## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

ROGER EUGENE FAIN,	S	
Plaintiff,	S	
	S	
<b>v.</b>	S	
	S	Civil Action No. 5:20-CV-01149
BOBBY LUMPKIN, DIRECTOR,	S	
TEXAS DEPARTMENT OF CRIMINAL	S	
JUSTICE, et al.,	S	
Defendants.	$\mathbb{S}$	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT LIMITED TO THE DEFENSE OF EXHAUSTION OF ADMINISTRATIVE REMEDIES

# Exhibit 1

### **AFFIDAVIT**

## THE STATE OF TEXAS §

## COUNTY OF WALKER §

BEFORE ME, the undersigned authority, on this day personally appeared Jessica Riley, who, being by me duly sworn, deposed as follows:

My name is Jessica Riley and I am an employee of the Texas Department of Criminal Justice (TDCJ), a governmental agency. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am the custodian of records for the Inmate Grievance Department, a part of the TDCJ located in Huntsville, Texas. Attached are true and correct copies of the grievance records for Inmate Fain, Roger E., TDCJ #700474, CN#5.20-CV-001149, for the time period of 1/1/2016 to 12/12/2020, which are kept by the TDCJ in the regular course of its business activity. The entries of such records were made as a regularly conducted activity and a regular practice of the TDCJ, and were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.

I declare under penalty of perjury that the foregoing is true and correct.

"Further Affiant sayeth not."

Jessica Riley

Manager II

Offender Grievance, ARRM

Texas Department of Criminal Justice

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned notary public, on the 14th day of DECEMBER, 2020.

CATHY MARTINEZ
Notary Public-State of Texas
Notary ID #13259225-6
Commission Exp. JULY 22, 2024

Notary without Bond

NOTARY PUBLIC, STATE OF DEXAS

Cathy Martinez

Notary's Printed Name

My Commission Expires:

July 22, 2024

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 3 of 76 OFFICE USE ONLY

Texas Department of Criminal Justice



STEOF	reads Departin		Grievance #: 2018 183011
	OTED 1	OFFENDER	Date Received: 8-17-18
	STEP 1	GRIEVANCE FORM	Date Due: 9-24-18
			Grievance Code: 500
Offender Name:	Roger Fain	TDCJ#_00700474	Investigator ID #: 21032 1956
nit: McConnel	1 Housing	Assignment: 19 Y-007	Extension Date:
	ent occurred: McConn		Date Retd to Offender: 09-28-18

appealing the results of a disciplinary hearing.  Who did you talk to (name, title)? Several 1-60's to Capt. Salazar  When? August 2018
What was their response? That salt wasn't available at this time
What action was taken? Nothing
State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate This Step-I pertains to the fact that the Food Service Department is denying the Offender Pop-
ulation salt, whereas the ODR has salt & pepper available to the Officers to season their foods.
Salt hasn't been available to the Offender population for the past several weeks. The salt I'm
told is only available in the Officer's dining area, thus denying the Offender population ac-
cess to salt to season our food, but most importantly salt is necessary to the Offender popula-
tion to replace the body's salt that is lost during the day due to sweating.
If salt isn't replace, this places the individual in dire straits for heat stroke and other heat
related illnesses, and possible death. Salt that is used to preserve foods isn't adequate to
properly replace the salt that is lost during sweating. TDCJ-CID requires able body Offenders
to work, and during working the body sweats out salt. Then there are those that don't work but
due to the heat in the buildings, and lack of A/C sweating is a common practice, thus the loss
of bodily salt happens.
If the Offender population is denied the ability to replace the lost salt, then health issues
arise, and that becomes an issue for TDCJ-CID & UTMB-CHMC.

(OVER)

	03/31/22 Page 4 of 76
	New York Special Speci
	400
No. of the control of	
action Requested to resolve your Complaint. The Food Service Department needs to give the Offender popula	ation access to salt. The Offende
population has more need of salt than the Officers who are ea	ating the Offender's food rations.
Offender Signature; Loca Taca	Date: August 16th 2018
Grievance Response:	
Signature Authority:  (you are dissatisfied with the Step 1 response, you may submit a Step 2 (1-128) to the Unit Grievance Invited	Ailler SEP 2 6 2018
state the reason for appeal on the Step 2 Form.	Date:
	Date:
Returned because: *Resubinit this form when the corrections are made.	Date:
1. Grievable time period has expired.	Date:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. *	OFFICE USE ONLY
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. *	OFFICE USE ONLY Initial Submission UGI Initials:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. *	OFFICE USE ONLY Initial Submission UGI Initials:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. *	OFFICE USE ONLY Initial Submission UGI Initials:  Grievance #1 Screening Criteria Used:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. * 6. No requested relief is stated. *	OFFICE USE ONLY Initial Submission UGI Initials:  Screening Criteria Used: Date:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. * 6. No requested relief is stated. * 7. Malicious use of vulgar, indecent, or physically threatening language. *	OFFICE USE ONLY Initial Submission UGI Initials:  Grievance #1 Screening Criteria Used: Date Recd from Offender: Date Returned to Offender:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. * 6. No requested relief is stated. * 7. Malicious use of vulgar, indecent, or physically threatening language. * 8. The issue presented is not grievable.	OFFICE USE ONLY Initial Submission UGI Initials:  Screening Criteria Used: Date Read from Offender: Date Returned to Offender:  2 <sup>10</sup> 2-Submission UGI Initials:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. * 6. No requested relief is stated. * 7. Malicious use of vulgar, indecent, or physically threatening language. * 8. The issue presented is not grievable. 9. Redundant, Refer to grievance #	OFFICE USE ONLY Initial Submission UGI Initials:  Grievance #! Screening Criteria Used: Date Recd from Offender: Date Returned to Offender: 2***Submission UGI Initials: Grievance #:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. * 6. No requested relief is stated. * 7. Malicious use of vulgar, indecent, or physically threatening language. * 8. The issue presented is not grievable. 9. Redundant, Refer to grievance #	OFFICE USE ONLY Initial Submission UGI Initials:  Screening Criteria Used: Date Returned to Offender:  2**Submission UGI Initials: Grievance #: Screening Criteria Used: Screening Criteria Used: Date Returned to Offender:  2**Submission UGI Initials:  Grievance #: Screening Criteria Used:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. * 6. No requested relief is stated. * 7. Malicious use of vulgar, indecent, or physically threatening language. * 8. The issue presented is not grievable. 9. Redundant, Refer to grievance #	OFFICE USE ONLY Initial Submission UGI Initials:  Grievance #!  Screening Criteria Used: Date Reced from Offender: Date Returned to Offender:  2***Submission UGI Initials: Grievance #: Screening Criteria Used: Date Returned to Offender:  2***Submission UGI Initials: Grievance #: Screening Criteria Used: Date Reced from Offender:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. * 6. No requested relief is stated. * 7. Malicious use of vulgar, indecent, or physically threatening language. * 8. The issue presented is not grievable. 9. Redundant, Refer to grievance #	OFFICE USE ONLY Initial Submission UGI Initials:  Screening Criteria Used: Date Recud from Offender:  2 <sup>na</sup> Submission UGI Initials: Grievance #: Screening Criteria Used: Date Returned to Offender: 2 <sup>na</sup> Submission UGI Initials: Grievance #: Screening Criteria Used: Date Recud from Offender: Date Recud from Offender: Date Recurred to Offender: Date Recurred to Offender: Date Returned to Offender: UGI Initials:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. * 6. No requested relief is stated. * 7. Malicious use of vulgar, indecent, or physically threatening language. * 8. The issue presented is not grievable. 9. Redundant, Refer to grievance # 10. Illegible/Incomprehensible. * 11. Inappropriate. *	OFFICE USE ONLY Initial Submission UGI Initials:  Grievance #! Screening Criteria Used: Date Recd from Offender: Date Returned to Offender: Grievance #: Screening Criteria Used: Date Returned to Offender: Date Returned to Offender: Grievance #: Screening Criteria Used: Date Recd from Offender: Date Recd from Offender: Date Recd from Offender: Date Returned to Offender: Date Returned to Offender: 3rd Submission UGI Initials: Grievance #:
1. Grievable time period has expired. 2. Submission in excess of 1 every 7 days. * 3. Originals not submitted. * 4. Inappropriate/Excessive attachments. * 5. No documented attempt at informal resolution. * 6. No requested relief is stated. * 7. Malicious use of vulgar, indecent, or physically threatening language. * 8. The issue presented is not grievable. 9. Redundant, Refer to grievance # 10. Illegible/Incomprehensible. * 11. Inappropriate. * UGI Printed Name/Signature:	OFFICE USE ONLY Initial Submission UGI Initials: Grievance #! Screening Criteria Used: Date Recod from Offender: 2na Submission UGI Initials: Grievance #: Screening Criteria Used: Date Returned to Offender: 2na Submission UGI Initials: Grievance #: Screening Criteria Used: Date Recod from Offender: Date Returned to Offender: Date Recod from Offender: Date Returned to Offender: Grievance #: Screening Criteria Used: Grievance #: Screening Criteria Used:
1. Grievable time period has expired.  2. Submission in excess of 1 every 7 days. *  3. Originals not submitted. *  4. Inappropriate/Excessive attachments. *  5. No documented attempt at informal resolution. *  6. No requested relief is stated. *  7. Malicious use of vulgar, indecent, or physically threatening language. *  8. The issue presented is not grievable.  9. Redundant, Refer to grievance #  10. Illegible/Incomprehensible. *  11. Inappropriate. *  UGI Printed Name/Signature:  Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.	OFFICE USE ONLY Initial Submission UGI Initials: Grievance #! Screening Criteria Used: Date Recod from Offender: Date Returned to Offender: Grievance #: Screening Criteria Used: Date Returned to Offender: Date Returned to Offender: Date Recod from Offender: Date Recod from Offender: Date Recod from Offender: Date Recod from Offender: Grievance #: Screening Criteria Used: Date Recod from Offender:  Grievance #: Screening Criteria Used: Date Recod from Offender:
Returned because: *Resubmit this form when the corrections are made.  1. Grievable time period has expired.  2. Submission in excess of 1 every 7 days. *  3. Originals not submitted. *  4. Inappropriate/Excessive attachments. *  5. No documented attempt at informal resolution. *  6. No requested relief is stated. *  7. Malicious use of vulgar, indecent, or physically threatening language. *  8. The issue presented is not grievable.  9. Redundant, Refer to grievance #  10. Illegible/Incomprehensible. *  11. Inappropriate. *  UGI Printed Name/Signature:  Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.  Medical Signature Authority:  Exhibit 1	OFFICE USE ONLY

# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER GRIEVANCE PROGRAM

# NOTICE

All documentation that follows this sheet is <u>restricted</u> and <u>confidential</u> and is not to be released without the authorization of the administrator of offender grievances.

# RESTRICTED AND CONFIDENTIAL

## Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 6 of 76

## GRIEVANCE INVESTIGATION WORKSHEET

500--0926

				Officia	al Statement			
Unit: ML	Staff Name:	Food Servi	ce		Grievance #	2018183011	Date:	08/17/18
Offender	FAIN, RO	GER TO	C 14.	700474		Housing Locat	ion: 19Y-007	
Name:	rym, re	JOEK 1D	CJ#:	700414		Trousing Locat		
n accordance with BP 03 ' uch as "I don't know" of newers are to be factual, p OIG). Attorney General's and the offender or with of the grievance investigator opy of the grievance, it may	r=1 have no kno rolessional, and o Office and State a ther individuals. Sign and date th	wledge of. If complete Do no and Federal Cour You are expect to form in the de and to the Unit Gr	you have to find the find th	ve no knowledge de opinions or dals may review eturn this invest d locations who e Office The p	ge, explain the rea- unrelated commer v your response. A digation within 10 on completed and	ton why teg. I was on ts. Remember, the Execu- II grievances are confide working days of receipt. A eturn it to the Unit Griev the duplicated or shared	vacation, I was not a ative Director. Office initial and may not be additional time may be ance Office—If you	issigned there, etc.). You e of the Inspector General to discussed between you be requested by contacting were provided a narrative
Participant(s	Statement							
Witness (es)	Statement (sign	ed)			1 11		and the state of t	
Activity Logs	(Recreation, S	hower, Feedi	ng)		-	Other		
Participant(s Witness (es) 5 Activity Logs Shift Roster Ingress/Egres Property Con					_	Staff or Offender Pro		tion
Ingress/Egre	is Log ifiscation Forn				F	Property Inventory F Property Logs	orms	
		allegations						
		allegations						
lease see attached a		allegations		SIGNATU	RE	DAT	E	
ease see attached a		allegations			RE	DAT	E	
PRINTED NAME	EMENT:	allegations		SHIFT/DE		DAT		
ease see attached a EMPLOYEE STAT	EMENT:	July -	Ue	SHIFT/DE		DAT	E + is	privided
PRINTED NAME	EMENT:	allegations  Uku		SHIFT/DE		DAT		privided lip pal
PRINTED NAME	EMENT:	July -		SHIFT/DE		DAT  ens -(L  the  net t	+ is	primaled life popular
PRINTED NAME	EMENT:	July bear	Q.	SHIFT/DE		DAT  On Something  Many that  Man	+ is	sel any
PRINTED NAME	IMENTS: C	July bear	Q or	SHIFT/DE	PARTMENT  It	ins the	of the	sel any
PRINTED NAME	IMENTS: C	Marie Vegre	Q.	SHIFT/DE	PARTMENT	ins of h	of the	lon popular
PRINTED NAME  RANK/TITLE  SUPERVISOR CON  LA CAS  LA C	IMENTS: C	Marie Vegre	Q or	SHIFT/DE	PARTMENT  LU To  Nova  A CU	ns -(h net t monte:	+ is  c) fue  8/27  it cules	lon popular
PRINTED NAME	IMENTS: C	Marie Vegre	Q or	SHIFT/DE	PARTMENT  LU To  Nova  A CU	ins the	+ is  c) fue  8/27  it cules	lon popular
PRINTED NAME  RANK/TITLE  SI PERVISOR CON  LL CLS  LL CLS  LL CLS  LL CLS	IMENTS: C	Marie Vegre	Q or	SHIFT/DE	PARTMENT  LU To  Nova  A CU	ns -(h net t monte:	+ is  c) fue  8/27  it cules	lon popular

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 7 of 76 GRIEVANCE INVESTIGATION WORKSHEET

	Confidential				1	STEP 1 ×	
GRIEVANC ONLY	E OFFICE USE					STEP 2	
Unit: ML Offender Name:		1950 Date I	nitiated: 08/17/18 TDCJ No:		oleted: 09/2	26/18 Date Due;	09/26/18
Issue Code: 500	EMERGENCY YES ( ) NO (×)	ADA () Disciplinary () Medical ()	Property Religion OPI Investigation	( )	PREA	re (UOF) nt or Retaliation*	( )
Requested Re	emedy:	See Attached					
The following is to	Fact Finding Activ	the Investigating Official, Attac	th statements/supporting o	focumentation.	if applicable.		
Cour complaint h	esponse to Offender has been reviewed. In It, however as of 8/27/	vestigation revealed that t 18 salt was received and v	he Food Service Dep was sent out. No furt	partment con ther action is	tends at the warranted b	time of your grieva y this office	ance there was
			<b>DE</b> : 2.01				

This grievance is being processed in an effort to resolve a problem through the established procedures identified in BP-03.77 and AD-0382. It is expressly prohibited to subject the grievant, other offenders, or staff to any form of reprisal for the use of these procedures. Exhibit 1

OG-01 Rev. 07/2016

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Texas Department of Criminal Justice

# OFFENDER GRIEVANCE FORM

	SEP 2 4 2020
Date Received:	OL. 1 4 2020
Date Due:	11-03-2020
Grievance Code:	102
Investigator ID#;	I1978
Extension Date:	12-13.2020

Offender Name: KOGER FAIN COHHALLY Housing Assignment: 19 Y-087 Unit where incident occurred: COMMANLY

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? CHAPLAIN, Z-60 What was their response? I was NOT APPROVED TO GROW What action was taken? HOHE State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate I WHI REASSLENOD TO THIS 2020

1-127 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

17 MARCASE 5.205CV-ULTAS-DAE ADOCUMENTAS FIED	08/31/2/20 Page 9 0/ /6 -/ Co Co
THEIR HAIR FOR RECIGIOUS ROASONS, A	NO DERIGIEL HENDROOF
OF OTHORS OF THE SAME RELIGION. A	LI AM ASKING IS TO
BE ALLOWOD TO PRACTICE My PRIIGI	ou, ROUGIOUS FREEDOM
IM ITS ENTIRETY.	**
IF THIS MATTER IS CEFT UNRESOLVE	on. I'm SURE TOTAT
THE FERRING COURT WILL ALLAU TH	WEXT PROCEEDINGS
TO RECOVER PLACE ACTION FOR A	1 TACLOCIO AFRANCIOS
10 DE COME CUIS ACTION TOWN	Til- Roman
SIMICAN TO WHAT FINANCED WITH	VINO IDA DI
Action Requested to resolve year Complaint. P. Allocion 70 GA	ow my HAIR IN ACCOR-
DONG WITH MY RELIGION, WITHOUT HARD	SMORIT, THREATS ERETICATION
Offender Signature: Kon Tai	Date: 09-23-2020
Grievance Response:	
Your request has been forwarded to Huntsville for processing. There is no	o further action warranted by this
office.	
2	
Assistan	nt Warden J. Cirone
Signature Authority:	Date: 11/5/2020
If you are dissatisfied with the Step I response, you may submit a Step 2 (I-128) to the Unit Grievance Invited	
State the reason for appeal on the Step 2 Form.  Returned because: *Resubmit this form when the corrections are made.	
	E CONTRACTOR SERVING
1 Grievable time period has expired.	OFFICE USE ONLY
2 Submission in excess of 1 every 7 days *	Initial Submission . UGI Initials
3. Originals not submitted. *	Grievance #
4 Inappropriate/Excessive attachments. *	Screening Criteria Used:
5 No documented attempt at informal resolution.	Date Recd from Offender
6 No requested relief is stated *	Date Returned to Offender:
7 Malicious use of vulgar, indecent, or physically threatening language	2 <sup>nd</sup> Submission UGI Initials:
8. The issue presented is not grievable	Grievance ∓:
9. Redundant, Refer to grievance #	Screening Criteria Used
10 Illegible/Incomprehensible *	All the control of th
11. Inappropriate *	Date Recd from Offender:
UGI Printed Name/Signature:	Date Recd from Offender:  Date Returned to Offender
	Date Returned to Offender  3dd Submission UG1 Initials:
Application of the coreoning pritoric for this priovance is not expected to adversaly	Date Returned to Offender  3.4 Submission  UG1 Initials:  Grievance #:
Application of the screening criteria for this grievance is not expected to adversely Affect the offender's health.	Date Returned to Offender  24 Submission UGI Initials:  Grievance #:  Screening Criteria Used
Affect the offender's health.	Date Returned to Offender  24 Submission UG1 Initials:  Grievance #:  Screening Criteria Used  Date Recd from Offender
	Date Returned to Offender  24 Submission UGI Initials:  Grievance #:  Screening Criteria Used

# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER GRIEVANCE PROGRAM

# NOTICE

All documentation that follows this sheet is <u>restricted</u> and <u>confidential</u> and is not to be released without the authorization of the administrator of offender grievances.

# RESTRICTED AND CONFIDENTIAL

Exhibit 1

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 11 of 76 GRIEVANCE INVESTIGATION WORKSHEET

						ST	EP 1	
GRIEVANC ONLY	E OFFICE USE					ST	EP 2	
nit: CY Offender Name:	This Desert	1978	Date In	nitiated: 09/24/20	22212	oleted: 11/04/20	00040404	12/13/20 196
ssue Code: 102	EMERGENCY YES ( ) NO (x)	ADA Disciplinary Medical	( )	Property Religion OPI Investigation	( ) (×) ( )	Use of Force (UC) Harassment or R PREA		1 1
ummary of 19-10-2020 he officers about he native of SCC and TDCS indication of the dequested Reference of the sequested Reference	Issue: (Include dare, the was assigned to this was assigned to this was hair. Has explained American law suit was I he still cannot practical to amendment freedometrical amendment freedometrical to grow his hair in accordance.	me and location): unit due to his nation of that he is native not a class action the his religious below of religion.	ve Ameri Americar I lawsuit iefs beca	can religion and over n and federal court re and even though he i nuse he still has to ab	the past ser solved the is s recognized ide by TDCJ	ssue. Wrote the C d and designated I grooming standa	Chaplain and as native Am	he stated erican by
ummary of	he completed and signed hy	ity:			ocumentation, i			
Summary of Chaplain states rocessed extension form	Fact Finding Active the offender submitted the offender submitted to the sponse to Offender sponse to Head to	ity: d a HQ-150 reque	st to grov	w long hair The requ	ocumentation, i	n forward to Hunt	sville and is b	peing

This grievance is being processed in an effort to resolve a problem through the established procedures identified in BP-03 - and 4D-0382. It is expressly prohibited to subject the grievant, other offenders, or staff to any form of reprisal for the use of these procedures. Exhibit 1

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 12 of 76 GRIEVANCE INVESTIGATION WORKSHEET

		1					STEP 1	
GRIEVANCI ONLY	E OFFICE USE						STEP 2	
	Investigator ID: 1	978	Date In	nitiated: 09/24/20	Date Comp	oleted:		11/03/20
Mender Name:	Fain,Roger	WARREST TO STORE THE PARTY OF T	0,40,00	TDCJ No:		rievance Nu	The state of the second	196
Mender Aame.	Sanionillinia Ottoria della de	7	Marin Pharm					
ssue Code:	EMERGENCY	ADA	( )	Property	( )	Lse of For	rce (LOF) nt or Retaliation*	1 1
102	NO (x)	Disciplinary Medical	( )	Religion OPI Investigation	(^)	PREA	iii of Retailation	( )
				Grievonce Princedure, Access to C	7			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
officers about his hat the native A SCC and TDCJ	vas assigned to this un s hair. Has explained merican law suit was he still cannot practice est amendment freedo	that he is native not a class action his religious bel	Americar	n and federal court re and even though he	solved the is is recognized	ssue. Wrote d and desig	e the Chaplain and nated as native An	nerican by
to be allowed to	medy: grow his hair in accor	dance with his re	ligion wit	hout harassment and	threats and	retaliation		
The following is to b		the Investigating Offi						
The following is to b Summary of F Chaplain	grow his hair in accor	the Investigating Offi						
The following is to be Summary of F Chaplain Suggested Res	grow his hair in according to the completed and signed by fact Finding Activity sponse to Offender CODE:	the Investigating Officty:	cial. Attacl	h statements/supporting d	ocumentation.	if applicable.		
The following is to be Summary of F Chaplain Suggested Res OUTCOME O	grow his hair in according to the completed and signed by fact Finding Activity sponse to Offender CODE:	the Investigating Officty:	cial. Attacl	h statements/supporting d	ocumentation.	if applicable.		

OG-01 Rev. 07/2016

Exhibit 1

## Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 13 of 76

Step 1	$\times$	Grievance #	Offender Name	TDCJ#	Unit
Step 2		2021010196	Fain,Roger	700474	CY



# Texas Department of Criminal Justice

## NOTICE OF EXTENSION

# Offender Grievance Office

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, "Management of Offender Grievances,", you are hereby notified that additional time is necessary to complete the investigation of your:

Step 1 Grievance: (check the applicable box)	
☐ An additional 30 days is needed for appropriate	e response to your disciplinary appeal.
🗵 An additional 40 days is needed for appropriate	e response to your grievance.
An additional 45 days is needed for appropriate	e response to your medical Step 1 grievance
Step 2 Grievance: (check the applicable hox)  An additional 30 days is needed for appropriate  An additional 40 days is needed for appropriate	
An additional 45 days is needed for appropriate	
Rgueira	
R. Guerra/Investigator II	11-03-2020
Name and Title	Date

Original - Send to the Offender Copy - Attach to the Grievance

## Texas Department of Criminal Justice Institutional Division

# Inter-Office Communications

To:	Whom It May Concern	Date:	11/03/2020	
From:	Chaplain Hall	Subject:	Grievance #2021010196	

RE: Offender Fain, Roger #700474

On 10/01/2020 the offender submitted a HQ-150 request to grow long hair due to his religious beliefs. This request was forwarded to Huntsville and is now being processed.

Until such time that the Religious Practices Committee makes a final decision, the offender is obligated to follow grooming standards according to existing policy.

Chaplain Hall 11/03/2020



Texas Department of Criminal Justice

# **OFFENDER**

	O a Li		GRIE VANCE FORM
Offender Name:	Relette	FAIN	TDCJ# <u>20700474</u>

Unit: STILES Housing Assignment: 403 6.03 Unit where incident occurred: STICS DAT Date Retd to Offender of

OI	FFICE USE ONLY
Grievance #	2020013075
	ed: SEP 2 7 2019
Date Due: _	11- Ole-19
Grievance (	Code:
Investigato	2011 <del>1253</del> 4
Extension I	Date:
n n	Offender F H 7 WW

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.  Who did you talk to (name, title)? SEVENAL TEGO I TO CORSIFICATION When? DURING SEPT. 19
What was their response? I CANORUTO, NO REPLY What action was taken? NOME, OFFICIALS REPUSED TO ADDRESS NUMBEROUS 1-60'S
State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate  IT IS MY BELIEF AND DUDGESTANDING OF TOXIS-CID REC-CATIONS
A DO LOU PER THE TO THE TO THE ASSIGN PLENT AND WHO CAN BE
HOUSED TOGETHOR THAT I AM INAPPROPRIATERY HOUSED WITH A CELLIE WHO DOES NOT MET THE PROPRIETENA OF AGE DIFFERENCE
Now the Niccontine That TO' I -CIO HAS SET TONTE.
FURTHORNOOF, IT IS MY BELIEF THAT I AM HOUSEN BASED ON CONVENIENCE OF THE DHITS CLASSIFICATION AND COUNT FORM, NOT
BASED ON PROPOR TOCI-CID POLICY WHOLE THERE IS TO BE A
-0 AP - 15 Yours AP Alet.
BASED ON THESE FACTS THE ALE DIFFERENCE BETWEEN MY CELLE AND I IS 40 YOTHS, WEIGHT DIFFERENCE OF ABOUT 35 TO 40
PRONDS
THAVE WE TOU TOO TOTO COUNTROOM AND CLASSIFICATIONS NUMBEROUS TIMES CONCORNING LIVING IN THE OUTSIDE DOLMS. I WITS ASSICATION
TO 19 BUILDING Y-DORM ON THE WILL G. MCCOMMER CHIT ON
WARRINGTO BACK TO THREAM'T COUNTY ON MAICH 19= ZOIG, 5 YOME
TWAS ALLOWED TO 130 HOUSED ONE 19 BULDING, PRIOR TO THAT, I HAVE
DE 1998.
DI INTAKE DEC THE REVISION MAJOR HAD NO PROBLEM WITH ME GOILE TO THE OUTSIDE DOEMS, SINCE T HAVE 25 YOURS FLAT
MC CLIMA I

CONFLOTOR ON MY SONTENCE.	
THE ALL DESCRIPTION OF THE PARTY OF THE PART	
THE DUE AND DUCY REPLY I'VE PERCE	TIVED FROM THE COUNTROOM
DUSTENED, WAS TO TELL MY I WAS Y	LOT DORM ELIGIZIE
THE MATTER PRESENTED HAS NEVER AR	BE FORE DUE TO MY
LIVING MA DORN ENVIRONMENT. TH	IS WATTON CAN BE PESONE
IC The Aller	
I WOUSED LIKE TO MAKE THIS CLOAR, I	The state of the s
( ) and ( ) block to the contract of the contr	AM NOT HAVING ANY PROBLE
	IN APPROPRIATERY HOUSED AND
I'VE LIVED IN A DEEN BOILM EN VIRONMENT	For THO PAST 21 YOURS
	AMC 37
Action Requested to resolve apur Complaint, Allowers To LIVE	us 78to DEPENS, THIS WOCKED
RESOLVE TEHS DUFTER.	of loss opens, Tons woods
Offender Signature:	
7 6 7 6 6 7 6 7 6	1 Date: 09-26-2019
Grievance Response:	
Your grievance was investigated. You are appropriately housed a	coording to your mant it is
custody classification. You do not meet the eligibility requirement	teel and to your restrictions and
and it is noted you are not assigned a cellmate. No further action	its for dorm housing at the Stiles Unit,
7 - and addigned a cermiate. No further action	n is warranted.
16 - 6	
Seven Sm-H	_
Signature Authority:	
If you are dissertished with the Step 1 response you may reduct a few 7 c. 100	Date: 3-25-20
If you are dissertished with the Step 1 response, you may submit a Step 2 (1-128) to the Unit Grievance in State the reason for appeal on the Step 2 Form.	vestigator within 15 days from the date of the Step 1 response.
Returned because: *Resubmit this form when the corrections are made.	A STATE OF THE STA
1. Grievable time period has expired.	
2. Submission in excess of 1 every 7 days *	OFFICE HER OWE
3. Originals not submitted. *	OFFICE USE ONLY
4. Inappropriate/Excessive attachments. *	Grievance #:
5. No documented attempt at informal resolution. *	Screening Criteria Used:
6. No requested relief is stated. *	Date Recd from Offender:
7. Malicious use of vulgar, indecent, or physically threatening language *	Date Returned to Offset
■ 8. The issue presented is not grievable.	Date Returned to Offender:
	2 <sup>nd</sup> Submission UG1 Initials:
9 Reduncant, Refer to grievance #	Grievance #;
10. Illegib e/Incomprehensible. *	Screening Criteria Used:
11 Inappropriate. *	Date Recd from Offender:
JGI Printed Name/Signature:	Date Returned to Offender:  3.tt.Submission UCL Initials:
application of the screening criteria for this grievance is not expected to adversely affect the offender's health.	Grievance #: Screening Criteria Used:
	Date Recd from Offender:015
Iedical Signature Authority: Exhibit 1	Date Returned to Offender:
A MANAGEMENT OF THE STATE OF TH	The state of the s

-127 Back (Revised 11-2010)

# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER GRIEVANCE PROGRAM

# NOTICE

All documentation that follows this sheet is <u>restricted</u> and <u>confidential</u> and is not to be released without the authorization of the administrator of offender grievances.

# RESTRICTED AND CONFIDENTIAL

Exhibit 1

## Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 18 of 76

## GRIEVANCE INVESTIGATION WORKSHEET

ONLY  Unit: ST tr  Offender Name: F  Issue Code: 200  Note Offenders are not UOF, the investigation of Summary of Issue Claims be is incorrect.	EMERGENCY YES ( ) NO (X)  allowed to review the griet must be conducted by the O	ADA Disciplinary Medical	( ) ( ) ( )	TDCJ No:  Property Religion OPI Investigation		) Use o	Si	20200130	11/6/19
Offender Names F  Ssue Code:  200  Note Offenders are not COF, the investigation of Summary of Iss	EMERGENCY YES ( ) NO (X)  allowed to review the griet must be conducted by the O	ADA Disciplinary Medical	( ) ( ) ( )	TDCJ No:  Property Religion		Grievan	3/26/20 ce Number	Date Due: 20200130	-
Some Code:  200  Note Offenders are not COF, the investigation of Iss	YES () NO (X) allowed to review the griet must be combined by the O	Disciplinary Medical  Humanismum or Resolution wance investigation w	( ) ( )	Religion	f	) Use o			
Coff. the investigation of Summary of Iss Claims be is incor	allowed to review the griev nust be conducted by the O	vance investigation w	of the of the		i	PRE		OF) Retaliation*	( ) ( ) ( )
ne was housed or	propriately housed wing a dorm on McConne on only answered an	th and location): th another offended. Ell. Eastham and	ler that d	oes not meet proper upon Intake UCC th	criteria of e Major h	ad no pro	rence and oblem with	weight differe	ence Claim the outside
Requested Reminvestigate	nedy:					11.1.1.1.1			
Summary of Fa Extension Case Manager I nit administration Classification Pr	Act Finding Activing IT Brazel - offender is not assistancedure Manual 4.0 ssignment history scr	ry: not eligible for do gned a cellmate Housing Assignr	orm due t	o offense (Capital M				creening criter	ia in place by
	oonse to Offender s investigated You a ents for dorm housing	are appropriately	housed t and it	according to your res is noted you are not	strictions a	nd custo	dy classific e No furth	cation You d ner action is w	o not meet th varranted
OUTCOME C	ODE: D	RESOLUTIO	N COI	)E: 2.01					
	cial completes the se			The state of the s			, 1	0. 4	
Printed Name:	M Ponder			Signat	ure:	m	oby	Ima	<u></u>
Title:	INV III			D	ate:		0:	3/26/20	

OG-01 Rev 07 2016

# 

-		Offici	al Statement	nn		
		Out	MI State Ment			
	Staff _ Beerite	Classification		2020013075	OF	27/19
nit: ST	Name:   Brazile	Classification	Grievance #	: 2020013075	Date:	2//13
ffender	Ecology States			Specialist Action	4 0 60 5	
ame:	Fain, Roger	TDCJ#: 700474	And the Control of the State of	Housing Locati	on: 4-0500	
h as "I don'r know" or "I wers are to be factual, profe G). Attorney General's Offic I the offender or with other orievance investigator. Sign	have no knowledge of ', essional, and complete. D ce and State and Federal C individuals. You are ex n and date the form in the	If you have no knowled to not include opinions of Fourt Officials may revie specied to return this five, e designated locations wh	ige, explain the reas- r intrelated comment w your response. Al- stigation within 10 w nen completed and re- grievance may not	on why (e.g., I was on v is Remember, the Execu I grievances are confider orking days of receipt. A cturn it to the Unit Grieve he duplicated or shared	y Du not respond with ind acution. I was not assigned the lower Director Office of the longitudinal and may not be discussed disconsistence Office. If you were provisith the accused staff mem	nere, etc.) You spector General ed between you ed by contactant ided a narranty
Participant(s) Sta	atement					
Witness (es) State						
	ecreation, Shower, Fe	eding)	- Indiana	Other	The state of the s	
Shift Roster				Staff or Offender Pro		
Ingress/Egress L			-	Property Inventory For Property Logs	orms	
Property Confisc	artou i oriii					
ssification only answer	ed an I-60 stating he	was not eligible. W	Intake UCC the lants to be move	d to dorm CLASSIF	rence and weight differe m with him going to the ICATION WHY IS OFFE	outside doi
ssification only answer	ed an I-60 stating he S THERE AN AGEA	was not eligible. W	Intake UCC the lants to be move	d to dorm CLASSIF	m with him going to the	ourside do
ssification only answer SIBLE FOR DORM? I	ed an I-60 stating he S THERE AN AGEA	was not eligible. W	Intake UCC the lants to be move	d to dorm CLASSIF	m with him going to the	ourside do
Sification only answer GIBLE FOR DORM? I	ed an I-60 stating he S THERE AN AGEA	was not eligible. W	Intake UCC the lants to be move FOR CELLMATI	d to dorm CLASSIF	m with him going to the	outside doi
ssification only answer GIBLE FOR DORM? I	ed an I-60 stating he S THERE AN AGEA	was not eligible. W WEIGHT CRITERIA SIGNATU	Intake UCC the lants to be move FOR CELLMATI	Major had no proble d to dorm CLASSIF ES?	m with him going to the	outside doi
SIFICATION ONLY ANSWER SIBLE FOR DORM? I MPLOYEE STATEM RINTED NAME	ed an I-60 stating he S THERE AN AGEA	SIGNATU	Intake UCC the lants to be move FOR CELLMATI	Major had no proble d to dorm CLASSIF ES?	m with him going to the	outside doi
SIFICATION ONLY ANSWER SIBLE FOR DORM? I SMPLOYEE STATEM RINTED NAME ANKITITLE UPERVISOR COMMI	ed an I-60 stating he S THERE AN AGEA  ENT:	SIGNATU SHIFT/DI	Intake UCC the lants to be move FOR CELLMATI	Major had no probled to dorm CLASSIFES?	m with him going to the	outside doi
SIFICATION ONLY ANSWER SIBLE FOR DORM? I MPLOYEE STATEM RINTED NAME	ed an I-60 stating he S THERE AN AGEA  ENT:	SIGNATU	Intake UCC the lants to be move FOR CELLMATI	Major had no probled to dorm CLASSIFES?	m with him going to the	outside doi
SIFICATION ONLY ANSWER SIBLE FOR DORM? I MPLOYEE STATEM RINTED NAME ANKITITLE UPERVISOR COMMI	ed an I-60 stating he S THERE AN AGEA  ENT:	SIGNATU SHIFT/DI	Intake UCC the lants to be move FOR CELLMATI	Major had no probled to dorm CLASSIFES?	m with him going to the	outside doi
SIFICATION ONLY ANSWER SIBLE FOR DORM? I SMPLOYEE STATEM RINTED NAME ANKITITLE UPERVISOR COMMI	ed an I-60 stating he S THERE AN AGEA  ENT:	SIGNATU SHIFT/DI TO his of	TRE  EPARTMENT  RESCUENTS  TO SELLMATE  TO S	DATI	is not eliginate  Liele	outside doi
ESSIFICATION ONLY ANSWER  CMPLOYEE STATEM  PRINTED NAME  LANKTITLE  CUPERVISOR COMMI	ed an I-60 stating he S THERE AN AGEA  ENT:	SIGNATU SHIFT/DI	TRE  EPARTMENT  RESCUENTS  TO SELLMATE  TO S	Major had no probled to dorm CLASSIFES?	is not eliginate  Liele	outside doi
EMPLOYEE STATEM  EMPLOY	ed an I-60 stating he S THERE AN AGEA  ENT:	SIGNATU SHIFT/DI TO his of	TRE  EPARTMENT  RESCUENTS  TO SELLMATE  TO S	DATI	is not eliginate  Liele	outside doi

OG-01 Rev 07 2016

Exhibit 1

018
Oftender Grievance Operations Manual
Appendix II

(B) tdc0720o	Case 5:20 cv-01149-DAE	Document 94-3	Filed 03	/31/2	2 cRa	age 20	0_of_7	<b>6</b> , 8	:30	42
CSHS1802	T.D.C.J IN HEALTH SUMMARY IN									
	00700474 SID #: 044			2.	U	Ž,	E	E	5	
NAME: FAIN HT 6'00" DOB:					3				1	- 1
UNIT: ST	HOUSING: 4D32-60B			P			A 	   P		-
UNIT: NO RI HOUSING: NO BUNK: LOWE! WORK: WO9	NS HEAT SENSITIVESTRICTION O RESTRICTION R ONLY W14 W16 RY PROCESS: NO RESTRIC	EXTENDED M	I - MED HRS:		TRUS	STY S		SUI	TAB	LE:
INDIVIDUAL	IZED TREATMENT PLAN:									
REVISED BY PF1 -HELP	TION RESTRICTIONS: NO : UTMBFTP PF3 -MENU PF4 -ADDI REQUEST:/IDCNO:	TIONAL INFO	REVISE PF7 -U		ATE:			020		

									ASSIGNMENT	dia.
	H								JOB COMMENT	
38/30/19 JW/MLG	ST	4D32	60	B	G2	GA	JW	08/30/19 JW/MLG	UTILITY GEN SQ 1ST A SID	
08/30/19	ST	UNASGN			G2	TR		08/28/19	TRANSIENT CUSTODY OVERFL	JC
08/28/19	ST	11TRA	35	B	GZ.	TR	UCC	UCC/RDO		
JCC/RDO								08/21/19	UNASGN PENDING SCC DOCKE	27.
08/28/19	DU	UNASGN			G2	TR		08/12/19	TRANSIENT PEND DIAG PROC !	RP
08/12/19	DU	C10	03	B	G2	TR	RRW	INTAKE		
08/12/19	NE	UNASGN			G2	TR		08/07/19	TRANSIENT NON-ROUTINE IR	SE
08/07/19	NE	GTR	17	B	Ga	TR	SB	12/04/18	I/S MED SQ 01	KE
03/19/19	MI.	UNASGN			G.2	G2		05/30/18	I/S MED SQ 03	RS
04/17/14	ML	19Y	007		G2	G2	MEA	11/18/14	QUALITY ASSURANCE TECH 1	GM
DORM ELIG	,							02/24/14	GARMENT INSPECTOR 1ST	0.
		G/J035 A	VATIO	AB	T.					

(B) tdc07200 Case 5:20 pv-01149-DAE Document 94-3 Filed 03/31/22 Page 21:0f276, 8:39-14

Step 1	X	Grievance #	Offender Name	TDCJ#	Unit
Step 2	Market -	2020013075	Fain, Roger	700474	ST



# **Texas Department of Criminal Justice**

## **NOTICE OF EXTENSION**

## Offender Grievance Office

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, "Management of Offender Grievances.", you are hereby notified that additional time is necessary to complete the investigation of your:

An additional 30 days is needed for appropriat	a rayponya to your disciplinary appeal
An additional 30 days is needed for appropriat	e response to your disciplinary appear.
An additional 40 days is needed for appropriat	e response to your grievance.
An additional 45 days is needed for appropriate	e response to your medical Step 1 grievance.
Step 2 Grievance: (check the applicable box)	
An additional 30 days is needed for appropriate	te response to your disciplinary appeal.
An additional 40 days is needed for appropriate	te response to your Step 2 grievance.
☐ An additional 45 days is needed for appropriate	te response to your medical Step 2 grievance
S THOMAS, UGI III	11/9/19
Name and Title	Date
Original – Send to the Offender	

Copy – Attach to the Grievance

```
(B) tdc0720a Case 5:20-cy-01149-DAE Document 94-3 uFiled 03/31/22-hPage 23:0f76 16:33:49
USIUCR01/CSUC01. XXX UNIT CLASSIFICATION REVIEW DATE OF REVIEW: 03 24 20
INMTCICS/MPO1664 CUSTODY ASSIGNMENT WORKSHEET CST/REVIEW CDE: G2 / /
7200/UC01
                                   SUBSEQ REVIEW DTE/CDE:
                          RACE/SEX: W/M HSG AT REVIEW: ST 4D32
INMATE NAME: FAIN, ROGER
TDCNO: 00700474 STAT: S3
*INIT CLASSIFICATION* DISCP HISTORY: 3MTH/6MTH/1YR/2YR/3YB* ADDI'L INFORMATION
* AGAINST PERSON Y * STAFF ASLTS . 00 00 00 00 00 *HOMOSEXUAL. . . . !!
                                             00 SEX ASLT VICTIM 1.
**********
                  INMATE ASLTS. 00
                                 00 00
                                         00
                  ASLTS W/WP-SM 00
                                 00 00
                                         00
                                             00 *POTENTIAL VICTIM. Y
*PREV 2-YR ASIT HIST*
                  INCIDENTS: MA 00 00 00
*******
                                         00
                                             00 *
                                 00 00
                                         00
                                             00 *PAROLE CALC CODE. :
                            00 MM
        STAFF/INM*
                            00 00 00 00 IM
* TDC . . . N N *
                                             00 *RISK
                                 00 00
                                         00
                                            00 *PREC:
* JAIL. . . . N N * ESCAPE. . . . 00
* HOSPITAL. . N
                                            OC *TTL 00000 07/29/91
                                 00 00 00
             X * 1V1 3. . . . . 00
                                                *P/V N
              N *
* JUVENILE. . N
               N * ASLT HIST (MAJORS ONLY): 1-YR: N *
* OTH PRISONS N
                                       2-YR: N
                                      / DORM
RECOMMENDATIONS: GP LEVEL 2
ENTER THE NEXT TRANS CODE 01 AND/OR TDCNO
                        AND/OR SIDNO
PF1-HELP, PF3-PREV, PF4-CURR, PF10-GC ONLY
```

## Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 24 of 76 Texas Department of Criminal Justice

# **OFFENDER**

# **GRIEVANCE FO**

STEP 1	OFFENDER GRIEVANCE FORM	Date Received:  Date Due:  Grievance Code:
Offender Name: Roger Fain	TDCJ#_00700474_	Investigator ID #:
Unit: Mark W. Stiles Housing A	ssignment: <u>4 F 2 - 40B</u>	Extension Date:
Unit where incident occurred: Stiles		Date Retd to Offender:

OFFICE USE ONLY

Unit where incident occurred: Stiles	Date Retd to Offender:
You must try to resolve your problem with a staff member before you subsappealing the results of a disciplinary hearing.  Who did you talk to (name, title)? Grievance Process April 28th	The state of the s
What was their response? Wardens Response was "Your Claims N What action was taken? None. Warden Kevin Smith stated "No	
State your grievance in the space provided. Please state who, what, when, The Grievance Process, I-127 is the avenue of an Offe	ender against a Agency Employee. This ave-
nue is also required to pursue a 42 USC §1983 into the	e Federal Courts. Pursuant to PATTERSON v.
STANLEY, 547 Fed.Appx. 510(Fifth Curcuit Court of App	eals 2013), states: The primary purpose of
a grievance is to 'alert' prison officials to a probl	em, not to provide personal notice for a
particular official that may be sued." JUN 2 6 2020	
April 28th 2020. I brought to the attention of the Ad	ministration a problem concerning the DFH
the lack of it being denied to those of us that are o	n it. On June 20th 2020, Warden Kevin Smith
signed off on the Grievance, #2020112559. stating tha	t the Food Service department was aware of
my DFH, and he further stated that I was being afford	ed a DFH meal daily in accordance with the
food service policy. Here Warden Smith either knowin	gly, or unknowingly signed off on a document
that was "Fraudulent" thus is in violation of TDCJ-CI	D PD-22, Rule 10, Falsification of Records.
Furthermore, Warden Smith is in violation of the 8th	Amendment to the United States Constitution
for "Cruel & Unusual Punishment," i.e. deliberate Adm	ministrative Indifference to a serious men-
ical need, I am on this Unit for medical reasons, yet	the Medical Department has taken my heat
restrictions, and now the Food Service Department is	denying me my DFH meals during this lockdown
Because Warden Smith "nubber stamped" the Grievance I	nvestigator's answer, he has failed to do
his job, thus has violated FD-22 Rule #7, Substandard	Duty Performance. Furthermore, by failing
to properly investigate, and intervene, he is also in and §39.03(a)(1)(2). These allegations can be sustant	violation of Texas Penal Codes §39.02(a)(1)
put or by the record that I have from April 15th 2020	til present concerning what was given to
me and other DFH people, and it sure isn't what is re	quired by the UTMR-CMHC Therapeutic Dietary
Policy & Procedure Manual that is available to popula	tion thru the Law Library. This Manual is
what the Food Service Department/Manager is supposed	to follow, yet has totally ignored because

Case	5:20-cv-01149	O-DAE Docu	ument 94-3 File	ed 03/31/22	Page 25 of 76	it is verv
apparent that the T						
thus meaning that n						
granting relief to				0		0
their own. Also by			A CONTRACTOR OF THE CANADA			
ministration is put			Frank 1980 and 1980 (Scott)			
				A		The state of the s
to our deaths. I h						
vance and I-60's to						
ergency, it was ret						
nor am I satisfied			State of the state			HIN I TO SHOW
Action Requested to resolv By the very fact of	the indiffer	ence to my	medical needs	this Administ	tration has put	me and other
in harm's way, and	without inter	yention, th	e lack of prope	er DFH meals	can and will c	ause problems
Offender Signature:	Kom	- ai	700474	Date:	June 24th 202	JUN 2 6 202
Grievance Response:	T J					Af
attention belongs to sense steering	200	1				
						4 7
						102 50 100
						4
						1 8
Signature Authority:					Date:	
If you are dissatisfied with the Ste State the reason for appeal on the	p I response, you may ; Step 2 Form.	submit a Step 2 (1-1	28) to the Unit Grievance	e Investigator within 1	Is days from the date of t	he Step 1 response.
I - The state of t	bmit this form when	n the corrections	are made.			
1. Grievable time period has						,
2. Submission in excess of				(	OFFICE USE O	NIV
3. Originals not submitted.				Initial Subm	ission LGI Initi	
4 Inappropriate/Excessive a				Grievance so	2020141	143
5 No documented attempt a					rheria Used: 09	#399
6. No requested relief is stat		4		Date Recd fr	rom Offender: 🐠 .	210-20
7. Malicious use of vulgar, i		u theast sales lases	1 500 ·	- Date Returns	od to Offender: 00 -	26 20
			lage.	2nd Submissi	on t GI lnic	tais;
8. The issue presented is not \$\infty\$ Redundant. Refer to gives	2020	14/1/12		Grievance =:	NAMES OF THE OWNER OWNER OF THE OWNER OWN	
10. Illegible/Incomprehensit		111193	11 Triggs and mission.		itema Used:	
	A)e.		. /	Date Read fr	om Offender:	7
☐ II. Inappropriate. * UGI Printed Name/Signatu.	a The	wel S	1 VI	Date Returns	ed to Offender:	The second secon
UGI Printed Name/Signatu	re: O. LYK	MADE C	100	3" Submissi	on UGI Init	iats:
Application of the screening	criteria for this g	rievance is not	expected to adversely	Grievance =		Marie Charles
Affect the offender's health	e de la company	with the second second	THE PERSON NAMED OF STREET	Screening Cr	rteria Used:	
Medical Signature Authorit	**			1 U.S. A. U.S. S. C. S.	om Offender:	1
THE PERSONS NORTHERN AND STREET OF THE PERSON OF THE PERSO				Data Pamena	ed to Offender	

**Exhibit 1** 

1-127 Back (Revised 11-2010)

Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 26 of 76 OFFICE USE ONLY Texas Department of Criminal Justice Griovance #: \_ OFFENDER Date Received: \_ Dese Dues \_ Grinvance Code: \_ Investigator iD #: \_\_\_ Housing Assignment: Extension Date: \_ Unit where incident occurred: Date Reid to Offender: \_ You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing. (F.CAT. When? AP) Who did you talk to (name, title)? NUMCKOUS What was their response? / GNONED What action was taken? Hous State your grievance in the space provided. Please state who, what, when, where and the disciplinary case name

Case 5:20-cv-01149-DAE Document 94	4-3 Filed 03/31/22 Page 27 of 76
AS A MODICAL FACILITY THAT	histories - the Au-
THIS SHE IS VINIDELLE THE	eril for the year
Constitution of the Constitution of the S	THE U.
A 140 1162 1 THE 14 THE MELDIN	DAMES TO THE U.S. CONSTITUT
AS WELL AS VIOCATIAL TOS	CUIZ SETTLEMENT. THE GA
VANCE PROCEDURE IS NOCESSAR	1 to PURSUE TOUS MATTER 15
THIS MATTION CANNOT ON WILL	10T BE RESOLVED, MURNINI
THE THE KITCHON TOLLOW THE CA	utto DETALI GUINELINES.
Number	Apa
	20 N D 4 1/1/2
Action Requested to resolve your Complement CEIVE THE PALOCK Davin, AND DURING RECEIVESTHE Offender Signature:	DAILY Etters HALL MORES DERO
Grievance Response:	Date: SUME ZMO ZOLO
Grievance Response:	
44.87	
* * *	1 1
m 1	
Signature Authority:	Date:
If you are dissatisfied with the Step 1 response, you may submit a Step 2 (1-128) to the Unit State the reason for appeal on the Step 2 Form.	t Gricyance Investigator within 15 days from the date of the Step 1 response.
Returned because: "Resubmit this form when the corrections are made.	
D1 Coloughts construction	
2. Submission in excess of 1 every 7 days. *	OFFICE USE ONLY
3. Originals not submitted *	Tritte! Submission 1 Cd falleds: Y
4. Inappropriate Excessive attachments. *	2020131261
5. No documented attempt at informal resolution *	Screening Criteria Used: 02/699
6. No requested relief is stated	Dine Read from Offender: JUN 9-1, 2028
7. Malicious use of vulgar, indecent, or physically threatening language. *	Date Remined to Offender JUN 0 4 2029
8. The issue presented is not grievable.	214 Submission UGI thirials:
9. Redundant, Refer to grievance #	Grievance as
10. Illegible/Incomprehensible. *	Screening Criteria Used:
11. Inappropriate. *	Date Recd from Offender:
UGI Printed Name/Signature:	Date Returned to Offanoer
	24 Submission UGI Initials:
Application of the screening criteria for this grievance is not expected to Affect the offender's health.	Screening Criteria Used
	Date Reed from Offender:
Medical Signature Authority: Exhibit	: 1 Date Returned to Offender: 026

I-127 Back (Revised 11-2010)

- 0	Case 5:20-cv-01149-DAE Document 94-3 Filed 0	3131122 Page 28 01 76
<b>经验证</b>	Texas Department of Criminal Justice	OFFICE USE ONLY
		Grievance %:
は、一大の	OFFENDER	Date Received:
the Carl	STEP 1 GRIEVANCE FORM	Date Duc:
	EMERCENCY FOR HOACTH REALONS	Gritvance Code:
		A STATE OF THE STA
Offender Name	Pocen PAW 1001 700474	Investigator iD #:
	16 Lis Housing Assignment: 4F Z-40B	Extension Date:
Unit where inci	iden occurred: STILES	Date Rold to Offender:
You must try to	resolve your problem with a staff member before you submit a formal	complaint. The only exception is when
Who did woutell	sults of a disciplinary hearing. 10 (name, title)? MUMERIOUS I-603, I-127 TO KIR.	CATT. When? APRIL - Sures
What was their re	esponse? I GMONED, NO RESPONSE	litter -
What setion was	taken? Hous	NA 0 4 70.20
Trible decision was	ance in the space provided. Please state who, what, when, where and	the disciplinary cose upreper if appropriate_/
State your griev	ON THE DIET FOR HOALTH FOR	MODICAL PEASONS THE
Non	PRE SCLIBED BY UTMB-CIME	PROVIDEN AND BY THE
della	DIETTITION, ASHOK P. KUCHUKUC	A. I AM UTICIZING
THE F	19 AFUMOW POWON RY TO	HO LAW CIBRARY, CMHK
100	CUTIC DIETHY POLICY & PROCEDO	UREN MANCIAL NATED
HEATIC		
SEPTOM	BOX 2018,	Wall OF POLICY
THER	MY CACKINE WO KNOW THAT EB	
15 300	ory CACKING WE CHOW THAT CO	STRUCTURE OF JOHN T
NOT AC	WAYS CONVENIENT, BUT SHE OF	MATIES MOULE THAT OF
Hon C	ON VENERONCE. SHE SERVOS/PRE	THE MORE TOTAL
HOT A	PART OF THE CMHC-THENAPOUTIC	NEITH FROICT SET
1771	IN THE HEATH DOWNERS DEVIN	CINUTIS GUIDELINES
1718 G	CONVERNICAL FOR THE KITCHOOL TO	FEED EVERTION TOT
- 1 11 ···	Mari - The TO TO INC. NEA FOLIC	4
The C	PIEVANCE IS FILED OUT OF NEED	For HOLETHION SACK
MADES	KY HOL WAS FACIONALY MIXICI, &	SHE WINFIELD I
MY ST	ALTH ISSUBS SHE IS KNOWNESTY	INTONTIONALLY, (NO)F
F-0.	- TO FINAR - CALLE VOAILINGEL	VETTALL MINES IS IL
11/4/10	Thu TO BE FOR THUS OVER RE	DING THE MEDICAL PRO
VIDO -	DAN TO BE FED, THUS OVER RIC DUE TO THE FACT THAT TO FE	VICE THE APPROUSE DE
10 77	MARCHER AL ALL SALVENCE.	IN (TOB) OF TOLLOW (AL
101	DOLICY SHE FEEDS WHATEVON !	& ALL THE DOCUMENT
DIH!	ACICY SOUR FEEDS WHITTOUR C	The Hours is Nicke N

Case 5:20-cv-01149-DAE Document 94-3 File	d 03/31/22 Page 29 of 76
AS A MODICAL FACILITY THAT last	· me
THIS SHE IS VINE METERS OF STATE	CUES THE EXEL
Constitution of the little of	THOUGHT TO THE U.S
A 140 1100 100 14.00 AMINUD MINU	I TO THE U.S. CONSTITUTE
AS WILL AS VIOCATING THE RUIZ	- SETTLEMENT. THE GH
VANCE PROCEDURE IS NOCESSARY TO	PURSUE THIS MATTER IF
THIS MATTION CAMPOT ON WILLNEST I	BE SOLVED, MANNINI
THE THE KITCHON TOUGH THE CALLE.	NETALI GUINELINE
	. A
	THE PARTY OF THE P
	1911/1 p
Nation Democratical Control of the C	The same of the sa
Action Requested to resolve your Complaint CE(VE THE PROPOR	- NEH CACK MONES AVER
A COCK DOWN, AND DURING RECHERAL DAIL	WHAT HALL WAYE
Offender Signature:	Barn JUNE ZHO 7020
Grievance Response:	Date: JOHE ZHO LOZO
*	
4.47	
Signature Authority:	Date:
If you are dissatisfied with the Step 1 response, you may submit a Step 2 (1-128) to the Unit Cricyance I State the reason for appeal on the Step 2 Form.	
Returned because: "Resubmit this form when the corrections are made.	A STATE OF THE STA
1. Grievable time period has expired	
2. Submission in excess of I every 7 days. *	OFFICE USE ONLY
3. Originals not submitted *	In that Submission ( Cit Subjects
4. Inappropriate Excessive artachments. *	15 min   Spinisser 20 20   Col Spinisher 4/6
5. No documented attempt at informal resolution *	Screening Criteria Used: 02/599
6. No requested relief is-stated *	Pare Read from Offender: JUN 9-1, 2020
7. Malicious use of vulgar, indecent, or physically threatening language. *	Date Karumed in Oriender JUN 8 4 2020
8. The issue presented is not grievable.	212 Sudamission UGI Unitials:
9. Redundant, Refer to grievance #-	Grievaner #:
10. Illegible/Incomprehensible. *	Screening Criteria Used:
11. Inappropriate. *	Date Recd from Offender:
UGI Printed Name/Signature:	Date Returned to Offender:
	2" Submission UGI Initials:
Application of the screening criteria for this grievance is not expected to adversely Affect the offender's health.	Screening Criteria Used
	Date Recd from Offender: 028
Medical Signature Authority: Exhibit 1	Date Returned to Offender:
	The state of the s

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

# Texas Department of Criminal Justice

STEP 1 GRIEVANCE FORM	Date Duc:  Grievance Code:
Offender Name: Roger Eugene Fain TDCJ# 00700474	Investigator ID #:
Unit: Mark W. Stiles Housing Assignment: 4D - 3 - 60B	Extension Date:
Unit where incident occurred: Stiles / Huntsville Administrative Blo	Date Retd to Offender:
	A Distriction of the Control of the

appealing the results of a disciplinary her	ring.	t a formal complaint. The only exception is when
Who did you talk to (name, title)? I was :	not afforded the opportuni	ity to speak to When? anyone
What was their response? N/A		
What action was taken? N/A	MAR 1 2 2020	

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate On February 09 2020, I filed a legal Complaint Application on two Nurse Practioners to the Texas Board of Nursing in Austin, Texas. These Complaint forms were provided to me by the Texas Board MAR 1 2 2020 of Nursing to file the Complaints.

On March 11th 2020, I received a form letter from the TDCJ Health Services Division, Office of Professional Standards, Patient Liaison Program. I was informed by this unsigned form letter that the Patient Liaison Program no longer accepts complaints from the Offender population. blem with this is I never sent any complaint to the Patient Liaison Program, due to the fact I'm aware that this alleged agency is an "Oxymoron" agency and has, even in its early stages never

accepted complaints from the offender population. MAR My complaint is this, the Patient Liaison Program people have shortstopped my complaint, this is a legitimate complaint, the complaint was sent to me by the Texas Board of Nursing, a Anthony Digc is the Director, this was on their Official Complaint Applications, and mailed back to Austin, TX. By the Patient Liaison Program acting as if I complained to them they have deliberately, knowing with malious obstructed my claim to the appropriate agency over complaints of Texas Nurses.

The Patient Liaison Program group, by their actions is deliberately denying me access to the prope channels to make this claim, they are also protecting the Nurse Practioner's that I filed the

Complaints on, as well as protecting UTMB-CMHC. MAR 1 2 2020

Thus the Patient Liaison: Program group has left me no choice other than to pursue this matter into the Federal Court with a USC 42 Section 1983 Lawsuit for violating my 8th Amendment Right, under the United Sattes Constitution. Adminstrative, & Deliberate Medical Indifference Claim. This Step-1, I-127, is a requirement to proceed into the Federal Court, unless this matter can be properly resolved and my Complaints allowed to be processed by the Texas Board of Nursing as stated by the Complaints.

Case 3.20-cv-01149-DAL Document 94-3 File	u 03/31/22 Fage 31 01 /0
MAR 18: 2020)	The second secon
MAR	and the second second second second second second
Will all their	and the control of th
Action Requested to resolve your Complaint.  I realize that this Grievance is outside and beyond the Unit	ts -reveiw-but-it-is-mecessary to
proceed into the Federal Court 7	
Offender Signature: 400 Tay 2004	MAK March 1th 2020
Grievance Response:	
Signature Authority:  If you are dissavisfied with the Step I response, you may submit a Step 2 (5-128) to the Unit Crievance	Date:
Returned because: "Resubmit this form when the corrections are made.	
1. Grie able time period has expired	CHERT WAY OF BY
Z. Submission in excess of 1 every 7 days. *	Laitia, Submission S. Coll initialist.
3. Originals not submitted *	Grievince = 20-300 8-10-70
4. Inappropriate/Excessive attachments. *	Screening Controls Used L N = 18/61
5. No cocumented attempt at informal resolution. **	Date Recul from Offender.
6. No requested relief is stated. *	Date Returned to Offender:
7. Malicious use of vulgar, indecent, or physically threatening language.	Zud-Submission UGI Initiala:
8. The issue presented is not grievable.	Grievance #.
9. Redundant, Refer to grievance #	Screening Criteria Used:
10. Illegible/Incomprehensible. *	Date Reed from Offender
11. Inappropriate. *	Date Returned to Offender:
UGI Printed Name/Signature:	3=1Sabmission UGI intrins: Grievance #:
Application of the screening criteria for this grievance is not expected to adversely Affect the offender's health.	Screening Criteria Used:
Affect the Offender's health.	Date Recd from Offender:
Medical Signature Authority: Exhibit 1	Date Returned to Offender:030

I-127 Back (Revised 11-2010)

Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 32 of 76

OFFICE USE ONLY

Grievance # 202102724

UGI Recd Date: 11-20-2

HQ Reed Date: 11- 20

# ACCEPT AS ORIGINAL



# Texas Department of Criminal Justice

# STEP 2

# OFFENDER GRIEVANCE FORM

Offender Name: Roger Fain	TDCJ# 00700474	Grievance Code: 930:508
Unit: J.B. Connally	Housing Assignment: 19 Y-087	Investigator ID#: 2448
Unit where incident occurred:	John B. Connally	Extension Date:
		ACCIDENT OF THE SECOND OF THE

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

It fails to address the issues presented, basically the Warden's Response is a "Party Line" of TDCU-CID concerning Policy Directive 03.83, Grooming Standards, to the point it Violates TDCU-CID's new, in place, COVID 19 Virus Guidelines, these Guidelines are in place to protect the Offender population, and Employees.

TDCJ-CID Policy mandates that Offenders maintain 6' spacing in the dayroom area, 3 to a bench, 2 to a table, no board games, wearing masks inside the cubicles, unless they are reclining on their bunks. Offenders are allowed 2 to a table, every other row in the chow hall, on the Rec yard Offenders are not allowed to use balls, weights, and have to wear masks and maintain 6' distancing. In the Law Library 6' spacing at the tables, a controlled amount of Offenders in the General Library, at all times wearing masks.

Now the Administration says its ok to get a hair cut, that proper safety policies & procedures are in place, masks worn by barbers, face shields, golves, and aprons, equipment properly sanitized, but this is not the case on this Unit, and several Unit barbers have been allegedly warned. Furthermore, Offenders are still being denied religious meetings in the Chapel, due I believe because it is something for the Offender population that isn't related to any TDCJ-CID sponsership, like no visitation with family members, outside volunteers coming to the Unit, or full classes for education, WSD, and College programs.

Also, nowhere in the Warden's Response was any addressing the fact that I am Native American, and my religion is Native American, the Culture, Customs, & Heritage, and it is apart of these things that I wish to grow my hair. I am not an isolated individual in this matter, TDCJ-CID has already allowed several others similarly situated to grow their hair, this concerns the

Goodman v. Davis lawsuit into the Southern District Court that was ruled on on January 24th 2019.
1-128 Front (Revised I)-2010) YOUR SIGNATURE ISENSINEED ON BACK OF THIS FORM 037ER)

# 

This matter is presently in Huntsvile for consideration, Se	e Grievance # 2021010196, 09/22/20.
It is also in the Western District Court in San Antonio, Car	use # 5:20-CV-01149.
All I am requesting is to be allowed that in which TDCI-CID	
basis, allowing me to grow my hair without harassement, has	
has allowed beards, and that lawsuit wasn't a class action	
Offender Signature: 200 Town #700474	Date: November 19th 2020
Grievance Response:	
An investigation has been completed into your complaint. Chapla request to grow long hair due to your religious beliefs. This request until the Religious Practices Committee makes a final decision, you standards according to existing policy. All precautionary measures a prevent the spread of COVID-19. No further action is warranted by the	t is now being processed; however, a are obligated to follow grooming re taken while in the barbershop to his office.
Signature Authority:	Date:
Returned because: *Resubmit this form when corrections are made.	OFFICE USE ONLY
2 1. Grievable time period has expired.	Date UGI Rend:
2. Illegible/Incomprehensible.*	Date CGO Read:
3. Originals not submitted. *	(check one)ScreenedImproperly Submitted
4. Inappropriate/Excessive attachments.*	Comments
	Date Returned to Offendor:  2 <sup>st</sup> Submission CGO Initials:
5. Malicious use of vulgar, indecent, or physically threatening language.	Date UGI Recd:
6. Inappropriate.*	Date CGO Reed:
	(check one)ScreenedImproperly Submitted
	Comments;
CGO Staff Signature:	Date Returned to Offender:  3rd Submission CGO Initials:
	Date UGI Reed:
	Date CGO Recul
	Date CCO House
	(check one)ScroenedImproperly Submitted Comments:

Appendix G

Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 34 of 76

## ACCEPT AS ORIGINAL



# Texas Department of Criminal Justice

### **OFFENDER** STEP 1 GRIEVANCE FORM

Offender Name: Roger Fa	in	TDCJ#	00700474
t mit: J.B. Connally	Housing Assignment:	(19 Y -	087
Unit where incident occurred:	19 Building Entr	-	

	OFFICE USE ONLY	
Grieva	mc 202102724	5
	erceived: NOV 0 2 7070	
Date D	OSOS.11.11.3000	
	IIICE Code: 930-508	,
Investi	gator ID a: 1:1733	
Extens	ion Date:	
Date R	eto to Offender: NOV 1 8 7	2020

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.
When did you talk termame, title? Sat. Julio Martinez When 10/30/20
What was then response Told me to get a haircut, and threatened disciplinary action
What action was taken! None
State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate Coming back from p.m. chow, Sgt. Martinez, who was working 19 Building told me that I was to
get a haircut, he asked me where I lived, what cubicle, I told, then inquired about the mile
being lifted for us to wear masks, he told me that I was still having to wear a mask, but I was
going to get a haircut. I stated to Sqt. Martinez that 1) I was Native American and my religi
didn't permit me to cut my hair, and that I was in the process in resolving this matter with
Huntsville, the Unit & Regional Chaplaincy. He told me he didn't care what religion I was I
was going to get my haircut. Then?) I reminded Sgt. Martinez that TDCI, the Unit, and in fact
the entire Country was practicing social distancy, and for me to get a haircut I would have to
remove my mask, in violation of TDCJ & the Unit's IOC's that are posted, and in fact Sot. Mar-
tinez first thing this a.m., came onto the dorm and threatened to lock the dorm down for 23
hours if he caught anyone without a face mask on.
It is my belief that Sqt. Martinez will violate my Constitutional Rights, as well as violate
posted TDCJ & Unit Directives by attempting to force me to cut my hair, and when I stand up
and assert my rights to receive disciplinary action.
This matter is in Huntsville, Regional Chaplaincy Office, and in the Western District Federal
Court in San Antonio. I have repeatedly attempted to resolve this matter informally, and what
is going on is I'm being harrassed, bassled, and threatened with retalitory disciplinary acris
because I am asserting my right to practice my religion, and secondly not wishing to remove my
mask to get my hair cut due to the COVID 19 Virus. I am 66 years old, and have some health
issues, and all Sgt. Martinez is concerned about is attempting to enforce rules that are not
enforceable due to the COVID pandemic.

	4	
* * * *		
Copy to the United St	tates District Court, 1	Western District of Texas, 655 East Cesar E. Chave
Blvd., Suite G-65, S		
4	1400-b	
	all distinctions of the same o	
		And the state of t
ction Requested to resolve vo	or Complaint.	ssed concerning my hair lenght until such time the
		ssification, and the Federal Court.
Mender Signature: 14	np = 11 -	Date: 10/30/20 Mailed 5:48PM
rityance Response:		Date: ItVAUXU NATION 5: SNPM
response:	u .	
	01	
guarure Authority: 2000		Senior Warden Rayford 211-12-202
vint are dissatisfied with the Step 1 re	freshee, vois may submit a Step 2 (1-128	to in the Unit Grievance investigator within 15 days from the date of the Step I erspanse
	t this form when the corrections ar	e made.
Crevable time period has exp		5 17 191
2 Submission in excess of 1 eve	The same of the sa	OFFICE USE ONLY
Conginate not submitted *	7	initial Submission UGI Initials:
Inappropriate/Excessive attach	michis "	Grievance #
> >c documented attempt at info		Softening Couerts Used
. An requested to but is stated.		Date Reed from Offender
		Date Returned to Offender
The issue presented is not grie	ant or niverseally insustances inmerce.	
	ent, or physically threatening language	2nc Submission UCI Initials:
	rable	Grevance = UC! Initiate:
Redundant, Refer to grievance	vahle	Greening Cineris Used
Redundant, Refer to grievance Hit Hiegibie/Incomprehensible	vahle	Grevance F.  Screening Chieris Used  Date Reed from Offender
P Redundant, Refer to grievance 10 Hegibie/Incomprehensible * 11 Inappropriate *	rable #	2nt Submission UCI Initials:  Greevance s.  Sereguing Chieris Used  Date Reed from Offender  Date Returned to Offender
P Redundant, Refer to grievance Hit Illegible/Incomprehensible * Hit Inappropriate *	vahle	2nt Submission UCI Initials:  Greening Cineria Used  Date Reed from Offender  Date Returned to Offender  2m Submission UCI Initials:
Redundant, Refer to grievance ito Illegibie/incomprehensible * iii Inappropriate *  Printed Name/Signature:	rable #	2nd Submission UCI Initials:  Greening Cineria Used  Date Reed from Offender  Date Returned to Offender  2m Submission UCI Initials:  Grievance #
Redundant, Refer to grievance in Hegibie/Incomprehensible in Inappropriate  Printed Name/Signature: plication of the screening crit	rable #	2nt Submission UCI Initials:  Greening Criteria Used  Date Reed from Offender  Date Reutined to Offender  2m Submission UCI Initials:  Grievance #  Secreting Criteria Used
Redundant, Refer to grievance its litegibe/incomprehensible its Inappropriate  Printed Name/Signature: plication of the screening crit left the offender's health.	rable  s'  teris for this grievance is not ex	2nt Submission UCI Initials:  Greening Chieris Used  Date Reed from Offender  Date Returned to Offender  2m Submission UCI Initials:  Grievance #  Seregoing Criteria Used  Date Read from Offender
Redundant, Refer to grievance in Hegibie/Incomprehensible * in Inappropriate *  Printed Name/Signature:	rable  s'  teris for this grievance is not ex	2nd Submission UCI Initials:  Greening Chieris Used  Date Reed from Offender  Date Reumed to Offender  2m Submission  Grievance #  Serecomy Criteria Used  Serecomy Criteria Used

# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER GRIEVANCE PROGRAM

# NOTICE

All documentation that follows this sheet is <u>restricted and</u> <u>confidential</u> and is not to be released without the authorization of the administrator of offender grievances.

# RESTRICTED AND CONFIDENTIAL

Exhibit 1

035

Offender Grievance Operations Manual Appendix W ENTER TRAN CODE AND TDCJ# OR SID# PRINTER ID E MASK T F1=HELP F4=ALIAS F6=CODE LIST F7=UP F9=PRINT F10=DETAINERS F12=MENU

F8=DOWN

F3=PREV

Exhibit 1

F11=WARRANTS

CSIMF100 TEXAS DEPARTMENT OF CRIMINAL JUSTICE

1MMH OFFENDER SOCIAL SECURITY NUMBER AND RELIGIOUS PREFERENCE INQUIRY

DATE: 12/04/2020 TIME: 10:28:01

DATE: 12/04/2020 TIME: 10:20:0

TDC NUMBER 00700474 NAME FAIN, ROGER

PRIOR NUMBER 00603982 UNIT CY ICE STATUS

SOC SEC NBR ICE NATL

RELIG. PREF NATIVE AMERICAN PRIMARY LANGUAGE ENGLISH

RELIG. PREFERENCE DATE 01/16/2020 I SID NUMBER 04497012

LEGAL C.O.R. 246 WILLIAMSON TYC TRANSFER NO

POB COUNTY, IF TEXAS PLACE OF BIRTH

FBI NUMBER CITIZENSHIP UNITED STATES

ENTER NEXT REQUEST / OR TDC NUM

OR SID NUM

OR SSN NUM - -

Exhibit 1 037

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 39 of 76

Restricted & Confidential

					STEP 1
GRIEVANCE	OFFICE USE ONLY				STEP 2 X
Unit: CGO Inmate Name:	Investigator ID: 1-3	2448 Date Initia	nted: <u>11/25/20</u> Dat TDCJ No: <u>007004</u>	e Completed: 11/25/2	
Issue Code: 930/508	EMERGENCY YES ( ) NO (X)	ADA ( ) Disciplinary ( ) Medical ( )	Property Religion OPI Investigation	( ) Use of Ford ( ) Harassmen ( ) PREA	ce (UOF) ( ) at or Retallation* ( )
Summary of Is Claims on 1 his religion did reminded the rules. Claims 5	on must be conducted by the consuler: (Include date, time, O/30/20 Sgt. Martined not allow him to consuler that if he good. Martinez stated	vance investigation worksheet Office of inspector General (OIG and location): ez told him he neede ut his hair and he was got his hair cut, he wo	d to get a haircut. He in the process of get uld need to remove it this religion and he n	eted.  e told the Sargeant ting this resolved this resolved this mask which would be deduced to get a hair	that he is Native American, and through the Unit Chaplaincy. He uld be a violation of TDCJ posted cut. States he is being harassed,
State Classifica	be left alone from bation, and Federal Co	그리고 얼마루 그리고 작가 되었다. 그리고 있는 것이 없었다고 안 없었다.			matter is resolved in Huntsville,
<ol> <li>Reviewed</li> <li>Statement Native Am</li> <li>IOC from C This reque makes a fir</li> <li>UCR07. In</li> <li>Statement with Hunts</li> </ol>	erican Unit as of 5/6 Chaplain Hall. On 10/ st was forwarded to nal decision, the inm mate was permaner from Sgt. Martinez.	The inmate is on the a 1/20. However, inmat 01/20 the inmate sub Huntsville and is now late is obligated to foliotly denial of religious	es are required to monitted a HQ-150 required being processed. Upon low grooming standabeard as of 11/2/20. Fain to get a haircut	eintain a TDCJ haird quest to grow long I ntil such time the R ords according to ex the Inmate Fain state	hair due to his religious beliefs. Religious Practices Committee Risting policy. Red he is in process of a permit
An investigation due to your refinal decision,	eligious beliefs. This you are obligated to	request is now being	processed; howeve dards according to ex	r, until the Religiou disting policy. All pr	g your request to grow long hair us Practices Committee makes a recautionary measures are taken this office.
OUTCOME CO	DE: D	RESOLUTION COD	E: _2.02		
Printed Name: Title:	M. Goebel Admin. Asst. IV	,	Signature:	M. Goebel 11/25/20	
11177					

This grievance is being processed in an effort to resolve a problem through the established procedures identified in SP-03.77 and AD-0382. It is expressly prohibited to subject the grievant, other immates, or staff to any form of reprised for the use of these procedures.

Exhibit 1

038

OFFICE USE ONLY

Grievance #:



# Texas Department of Criminal Justice

S	ΓEP 2	OFFENDER GRIEVANCE FORM	HQ Recd Date: US20  Date Due: US23
Offender Name: Roger	Fain	TDCJ#_00700474	Grievance Code:
Unit: Mark W. Stiles	Housing A	ssignment: 481dg. F - 2-408	Investigator ID#:
Unit where incident occur	red: Stiles		Extension Date:

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step I because.

Having filed my Step-1 in good faith, the Warden's Response does not address any of the raised issues, nor does he give me any indication that this alleged "Medical Lock Down" has any end in sight.

On May 15th 2020, me as well as others on my pod were tested enmasse, along with the rest of the Unit. After almost 2 weeks, the results came back and I along with many others were negative vet on May 29th 2020, in a kneelerk reaction, one person tested positive, and he was moved to a isolation pod, and 2 section was then locked down, and because of one positive test my section was punished. This Administration & Medical Department can say that they were only thinking of the welfare of the Offenders, their safety, yet this is only lip service that would go "Off Unit" when in fact the opposite is in fact the norm "on Unit." Officers, who are in fact the carriers of the COVID 19 virus due to the fact that they live "Outside" of the Unit don't practice what the Administration is preaching, most don't wear PPE, i.e. mask, gloves, sheilding clothing, this can be, and should be verified by the use of the camera system, but this will be ignored based on the reality that it is fact.

We are punished because the Administration & Medical can't deal with what is going on, where I and others are eating "sack meals" Officers & Employees are eating hot meals in ODR prepared by Offenders, the laundry is working so the Officers & Employees can get their clothing washed and pressed, the Unit states that we're on a "Medical Lock Down," when in fact we're not when other Offenders are allowed to work throughout the Unit, infected areas as well, and return to their living areas where other Offenders are housed, allowed out of cell for a very limited time, and thus come in contact with these "working" Offenders. Doesn't make any sense to keep pods locked

#### Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 41 of 76

evaluated and acted upon. This "Medical Lock Down" referenced b	sking that my Step-1 be reviewed by the Warden's Response is a
sham, it is being used to accommodate the convenience of the Uni	it not to serve hot meals, to
lessen Offender traffic, and to deny us our privileges and Right Offender Signature:	
Grievance Response:	Date: June 06 2020

Your Step 2 grievance has been investigated by this office. Records reflect you are post medical restriction. This should resolve your complaint. Be advised, Covid-19 protocols and guidelines are still in place. Unit Administration will continue to monitor the situation closely: Based on the information available at this time, no further action is warranted.

Signature Authority: 2 2 V. BARROW	JUN 1 3 2020  Date:
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.	OFFICE USE ONLY Initial Submission CGO Initials: Date UGI Reed:
<ul> <li>2. Illegible/Incomprehensible.*</li> <li>3. Originals not submitted. *</li> <li>4. Inappropriate/Excessive attachments.*</li> </ul>	Date CGO Recd:  (check one) Screened Improperly Submitted  Comments:  Date Returned to Offender:
<ul> <li>□ 5. Malicious use of vulgar, indecent, or physically threatening language.</li> <li>□ 6. Inappropriate.*</li> </ul>	2nd Submission CGO Initials: Date UGI Reed: Date CGO Reed:
CGO Staff Signature:	(check one)ScreenedImproperly Submitted Comments:  Date Returned to Offender:
	3rd Submission CGO Initials: Date UGI Reed: Date CGO Reed:
The state of the s	(check one) Serected Improperly Submitted Comments:
-128 Back (Revised 11-2010)	Date;Returned-to Offender:  040 Appendix G

19 N 12 44 8 202 15 NOT

#### Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 42 of 76



# Texas Department of Criminal Justice

# STEP 1 GRIEVANCE FORM

Offender Name: Roger Fain	1 DCJ # 00700474
Vote Mark W. Stiles Unit Mousing Assignment.	4 F 2-2-40B
Unit where incident occurred: Mark W. Stiles Uni	it /

and Megalinds	ם אטני	2 202	0
Date Day			11
Principal Codes			-
a edigo - 10 (			
viension Date:			

You must my to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary nearing.

What was their response? Rank I was told was unavailable for a informal resolution of this matter What action was taken? None, the Rovers and/or Rank ignored my request for seeing Rank

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if apprepriate On May 15th 2020, 4F section was tested, in mass for the COVID 19 virus, the results were not made available until the week of May 26th 2020, on May 29th 2020, Offender in 39 cell of 2 section was packed up, and placed on 4F Pod quanatine, then 4F 2 Pod was then put on quanatine. The irony here is that on May 15th 39 cell was already "hot" with the COVID 19 virus, and 14 days later, on May 29th when they came and quanatined him, and subsequently 2 section, the 14 day isolation period had already expired. The virus had run it's course, 39 cell was not sick when he was placed on 4f 3 pod, and no one else on F 2 showed any symptons of the virus, yet we are once again placed on a 14 day isolation quanatine for something that was detected on May 15th without anyone else being affected.

This Unit's Administration, as well as the Medical Department are totally clueless as to what they are doing. How can a section be locked down for quanatine 14 days after the fact as in this case?? The crisis that going on isn't the COVID 19 virus, but the fact that TDC cannot, and will not follow their own Policies, Procedures, Protocols that are in place for just this reason. The COVID 19 virus has a 14 day incubation period, and if sympthons are not shown withit that period of time, then the person's chances of the contracting of the virus is nil. That being the case, the quanatining of F Pod 2 section is exercise in ignorance and if no one is showing any signs or sympthons of the virus we show be allowed to resume our daily routines and be allow to function as in the past.

We are presently being treated as if the COVID 19 virus is in affect on F 2 Pod, when in fact no meis sick, is showing any signs of sickness, or has sympthoms of the virus. We on F 2 Pod are being treated differently than other similar situated Offenders who live on the Stiles Unit who are in fact working, going throughout the Unit to any section they wish to visit, without any restrictions, these Offenders are not essential workers, but are used to ease the Officer's

041 (OVER)

### Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 43 of 76

loads, kitchen, laundry, SSI	· · · · · ·
Quanatine Policy & Protocol is, no Offender will be out and	about wetil the course to
run it's course, this Policy & Protocol are not being follow	
The state of the s	NOU .
The second section is the second section of the second section of the second section of the second section of the second section secti	Marine 1980 and the State of th
	and the second of the contract of the second
	NO NO. MICHAELE   MACONE AND ADDRESS OF THE PROPERTY OF THE PR
Action Figure red to resolve your members	the Milatin A Mila Comment of the Action of the Comment of the Com
Action France ted to resolve your markets. The restrictive lockdown needs to be lifted, it needs to be	properly and safely dealt with an
presently that isn't the case.	The state of the s
With the Special Control of the Special Contr	Date: June 1et 2020
Contraction Description:	Date: June 1st 2020
and association of	
Your complaint has been reviewed. The Stiles unit is under medical guidelines set forth by the agency regarding COVID-19 procedures. All	B 1 ( ) 이 : [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [
necessary items to combat the spread of the coronavirus through	는 경우, 사람들이 그렇게 먹어 한 것을 하면 맛있다면 가입니다. 그래요 그래요 그래요 하는 바람이 다른 사람들이 다른 사람들이 다른 사람들이 되었다.
implemented daily and privileges are being restored in stages within	
the coronavirus. Remember to contact a building supervisor if there	
warranted.	
	Control of the Contro
0 1/41	
January William John War	Dane: 6 - 9-20
the manufacture of the transfer of the second of the secon	e lift der a thin 14 says from the date of the Step 3 response
The first of the action of the control of the contr	-
The state of the s	OFFICE USE ONLY
The second file of the second	And the control of th
pot spriet 1 sit sit attended 1995	Mark 1
The new more it accupy it offer an invaliding it	1 -1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
The Service of Carlotted	A R - 1 min Calenda
The same use of villar indepent or president appropriate	Chief the Control of
☐ F. The issur presented it and grievable	2 Sabwission UGI initials:
□ 9 Re Indiant, Refer to grievance #	Cicles and Cir.
16 Blegible Incomprehensible *	Screening Cineria Used
□ 11, happropriate *	Date Reed Juni (Mender
UGI Printed Name/Signature:	Date Returned to Offender.
STORY THE CONTROL OF THE PROPERTY OF THE PROPE	314 Submission UGI Initials:
Application of the screening criteria for this grievance is not expected to adversely	Screening Criteria Used
Affect the offender's health.	Date Reed from Offender:
Medical Signature Authority: Exhibit 1	Date Returned to Offender: 042

I-127 Back (Revised 11-2010)

Recip of

# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER GRIEVANCE PROGRAM

# **NOTICE**

All documentation that follows this sheet is <u>restricted and</u> <u>confidential</u> and is not to be released without the authorization of the administrator of offender grievances.

# RESTRICTED AND CONFIDENTIAL

#### 

#### GRIEVANCE INVESTIGATION WORKSHEET

Restricted & Confidential STEP 1 X GRIEVANCE OFFICE USE STEP 2 ONLY 2534 ST 06/02/20 Date Completed: 06/04/20 Date Due: 06/17/20 t nit: Investigator ID: Date Initiated: 2020129759 700474 Fain, Roger Grievance Number: Offender Name: TDCJ No: EMERGENCY ADA I se of Force (I OF) Issue Code: Property 1 3 Harassment or Retaliation\* YES ( ) Disciplinary Religion ( ) 1 930/523 OPI Investigation NO (x) Medical 1 1 the province in Ministration of Secretary regions of Provinces in the Secretary of Secretary of Secretary Secretary Effenders are not allowed to review the gelevance investigation worksheet at any time. For claims of sexual abuse, sexual assault, criminal is as by stuff, by consist or burery engage Offenders are not allowed to review the greenince investigation working to make the OKe Fact Sheet completed
the investigation most be conducted by the Office of inspector Control (OK) and the OKe Fact Sheet completed Summary of Issue: (Include date, time and location): Claims that 4bldg Fpod 2 section does not have any sick offenders and the 14 quarantine for coronavirus has expired. Claims that TDCJ is not following there own policy and protocolso restrictions should be lifted Requested Remedy: the restrictive lockdown nees to belifted it needs to be properly and safely dealt with an presently that isn't the case The following is to be completed and signed by the forestigating Official. Attach statements supporting documentation, if applicable Summary of Fact Finding Activity: ee IOC frm Warden Smith Suggested Response to Offender: our complaint has been reviewed. The Stiles unit is under medical lock down. The unit is following the guidelines set forth by the agency garding COVID-19 procedures. All staff and offenders are receiving the necessary items to combat the spread of the coronavirus throughout e unit. Procedures are being implemented daily and privileges are being restored in stages within guidelines to combat the spread of the pronavirus. Remember to contact a building supervisor if there is an immediate need. No action is warranted OUTCOME CODE: D RESOLUTION CODE: 201 Investigating official completes the section below: S THOMAS Printed Name: Signature: 06/04/20 INV III Date litle: "In greening is being processed in an effort to resulte a problem shough the established procedures (sentified in BP 93 \*\* and AD-0352. It is expressly probibiled to subject the greening other offenders, or staff in any in all represents of the use of these procedures

Exhibit 1

044

(A) tdc0la5h Cases: 20 cv-01149-DAE Document 94-3h Filed 03/31/22 e Page 460 of 07/6 10	(A)	tdc0la5h	Case 5:20-cv-01149-DAE	Document 94-3h Filed 03/31/22 e Page 46	00f076 10:13:53 AM	1
---	-----	----------	------------------------	---	--------------------	---

DATE UNIT  ASGNMNT  CUST AUTH DATE  ASSIGNMENT	
04/02/20 ST 4F22 40 B G2 GA TC 08/30/19 UTILITY GEN SQ 1ST A SI TC/RDO JW/MLG 08/30/19 ST 4D32 60 B G2 GA JW 08/28/19 TRANSIENT CUSTODY OVERF	
TC/RDO JW/MLG 08/30/19 ST 4D32 60 B G2 GA JW 08/28/19 TRANSIENT CUSTODY OVERF	JW (
occ/ RDC	ucc
08/30/19 ST UNASGN G2 TR 08/21/19 UNASGN PENDING SCC DOCK	PAS
08/28/19 ST 11TRA 35 B G2 TR UCC 08/12/19 TRANSIENT PEND DIAG PRO	
JCC/RDO INTAKE	7 51000
08/28/19 DU UNASGN G2 TR 08/07/19 TRANSIENT NON-ROUTINE TO	SB
8/12/19 DU C10 03 B G2 TR RRW 12/04/18 I/S MED SQ 01	KS
18/12/19 NE UNASGN G2 TR 05/30/18 I/S MED SQ 03	RS
8/07/19 NE GTR 17 B G2 TR SB 11/18/14 QUALITY ASSURANCE TECH :	
OLOLLI NO GIV TI D GE IN OD IIII OUNDIII WODOWNCE IECH	
03/19/19 ML UNASGN G2 G2 02/24/14 GARMENT INSPECTOR 1ST	OC

7 screen X madic Restricts in Posinty Pros X madic Restricts in Posinty Pros Could trated Postation

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 48 of 76 GRIEVANCE INVESTIGATION WORKSHEET

Restricted & Confidential STEP 1 GRIEVANCE OFFICE USE STEP 2 ONLY Unit: ST Investigator ID: 1-1364 Date Initiated: 06/11/20 Date Completed: 06/11/20 Date Due: 06/23/20 Offender Name: Fain, Roger TDCJ No: Grievance Number: 2020129759 700474 EMERGENCY ADA Issue Code: Property Use of Force (UOF) ( ) YES () Disciplinary () Religion () Harassment or Retaliation\* () 930/523 NO (X) Medical **OPI** Investigation ( ) \*Elgennament or Retalization of Use of the Grammass Procedure, Access to Courts, we other Legal Actions Note: Offenders are not allowed to review the grievance investigation worksheet at any time. For claims of sexual abuse, sexual assault, criminal acts by staff, Excessive or Unreported UOF, the investigation must be conducted by the Office of Inspector General (OIG) and the OIG Fact Sheet completed. Summary of Issue: (Include date, time and location): The offender claims 4 building, F pod, 2 section does not have any sick offenders and the 14 day quarantine for coronavirus has expired. The offender claims that TDCJ is not following their own policy and protocols. Requested Remedy: The offender wants the restrictive lockdown to be lifted. The following is to be completed and signed by the Investigating Official. Attach statements/supporting documentation, if applicable. Summary of Fact Finding Activity: 1. Step 1 UCR 02 – Offender housed in 4 Building F Pod, 2 section. 3. UCR 07 - Covid 06/03/20, Covid 19 Post Medical Restriction - The offender was on medical restriction due to an offender in proximity testing positive. The 14 days is over and the offenders are off restriction- Per ST Unit CUC. IOC ST per Warden K. Smith – Covid-19 protocols listed. Suggested Response to Offender: Your Step 2 grievance has been investigated by this office. Records reflect you are post medical restriction. This should resolve your complaint. Be advised, Covid-19 protocols and guidelines are still in place. Unit Administration will continue to monitor the situation closely. Based on the information available at this time, no further action is warranted. OUTCOME CODE: D RESOLUTION CODE: 2.01 Investigating official completes the section below:

This grievance is being processed in an effort to resolve a problem through the established procedures identified in BP-03.77 and AD-0382. It is expressly problem to subject the grievant, other offenders, or staff to any form of reprisal for the use of these procedures.

Signature:

Date: 00/11/20

Exhibit 1

Printed Name:

Title:

L Sanford

Administrative Assistant V



# **Texas Department of Criminal Justice**

# STEP 2

# OFFENDER GRIEVANCE FORM

Offender Name: Roger Fain		TDCJ#_00700474
Unit: Stiles	Housing Assignment:	4F 2 - 40B
Unit where incident occurred:	XXXXX Stiles	

OFFIC	CE USE ONLY
Grievance #: a	1020112559
UGI Recd Date:	06-24-20
HQ Recd Date:	11111
Date Due:	8-3
Grievance Code	500
Investigator ID	JUNS_
Extension Date:	9-12

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

Once again the Warden's Response did not adequently answer the issues set forth in the Step-1 Grievance, in fact all the Response did was to rubber stamp the matter, validate what the Kitchen Manager/Captain was doing even though it was in violation of the Food Service Policy concorning DFH Sack Meals.

It is obvious that no Administrative investigation took place. The Grievance Investigators write out the Warden's Response, and the Warden signs off on the matter, thus denying whatever Administrative remedies I might be so entitled to.

It is hard for me to understand what the Unit's Grievance procedure has to lie on each and every Grievance when they deny an Offender a fair and impartial hearing of the Grievance filed. As stated in this Step-1 Response, "You are afforded a DFH meal daily in accordance with the food service policy." This is a blantant misstatement because the Kitchen does not follow the DFH as stated in the Food Service Policy, and this can be verified just by looking at what is being served in the lockdown johnnies, but again, no Administrative investigation was done, no other than the Grievance investigator calling up the kitchen, asking them if they are or aren't doing something, and that is the extent of the investigation. I guess the slogan on the back of the Agencies issued hats states it all, "We Take Care Of Our Own." Which means we take care of the Employees and the Offender population suffers for this policy of taking care of our own.

Once again I am stating that the kitchen is deliberately denying my DFH because it is inconvenient to follow the Food Service Policy Meal, thus the kitchen Manager/Captain is indifferent to the Medical Department's order of a DFH, and for my health and well being.

Case 5:20-cv-01149-DAE Document 94-3 Filed 0	03/31/22 Page	50 of 76
	simental medium statum and statement and sta	
Offender Signature:	Date: JUL	4 23 PD 2020
An investigation has been conducted into your complaint. There was n substantiate your claims that food is not being served in accordance with warranted by this office.	o conclusive evider th policy. No furth	nce found to er action
* Affectables factors from the state of the		Pedersone .
Signature Authority:	Date:	OCT 0 2 2020
Returned because: *Resubmit this form when corrections are made.	OFFIC	CE USE ONLY CGO Initials:
1. Grievable time period has expired.	Date UGI Recd:	
2. Illegible/Incomprehensible.*	Date CGO Rood:	1.
3. Originals not submitted. *	(check one)Screen	nedImproperty Submitted
15.4	Comments:	- 2
4. Inappropriate/Excessive attachments.*	Date Returned to Offend	er
☐ 5. Malicious use of vulgar, indecent, or physically threatening language.	2nd Submission	CGO Initials:
☐ 6. Inappropriate.*	Date UGI Reed:	
Signature Authorney	Date CGO Reed:	
to whome the materials of the first the first to the first to the first the first to the first t	e-Birth 10 (41,4) (4) - cape commer properties comment properties (compressed)	edImproperty Submitted
Securement Institutes: "Resultand that form which controlled the control."	Comments:	N. CHARLES C. AND ST. T.
CGO Staff Signature:	3 <sup>rd</sup> Submission	The state of the s
1 2 thephas/innongreienstale	Date UGI Reed:	
The Prignals was submitted.	norm.r-	The sale is
_	(check one)Screen	sedImproperly Submitted
_1 6 importanted is care and towns	Comments:	
Exhibit 1	Dine Returned to Offende	n. 2500 049
1-128 Back (Revised 11-2010)	Mary of Mary of	13

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 51 of 76

Texas Department of Criminal Justice

# OFFENDER STEP 1 GRIEVANCE FORM

Or	2020112559
Grievance #3	2020112559 APR 19 202 YE
Date Receive	APR 2 9 2020
Date Due:	06-08-2020
	ode: 500
Investigator	ID#: I 2758178
Extension Da	ne: 07-18-2020
Date Reid to	Offender: ILIN 2 2 2012

TUCJ# 00700474 Offender Name: Roger Fain Unit: Mark W. Stiles Housing Assignment: 4F 2 - 40B Unit where incident occurred: Stiles

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.  Who did you talk to (name, title)? Food Services Captain / Manager I-60's When? Most recent 4.21.20
What was their response? Ignored, thus denied any attempt at a informal resolution
What action was taken? None
State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate On April 14th 2020, at approximately 8:00PM we were put on quarantine lock down.
On April 15th 2020, I received my first or several Diet For Health, (DFH) johnnie, this DFH sack
meal was not what was prescribed by the Correctional Managed Health Care Therapeutic Dietary
Policy & Procedures Manual.
My numerous I-60's to Food Service Manager/Captain concerned if the DFH Menu's, both for daily
and lock downs, were the same as the FY 2018 - 2019 as stated in the Policy & Procedures Manual
I received no reply from any of my I-60's.
DFH aren't allow per Policy regular jelly, we are to receive Dietary jelly, with 2 tablespoons
of peanut butter, this isn't happening. To date I've received out of a total of 42 served sack

meals 33 peanut butter and jelly sandwiches; out of these 42 sack meals, 13 were not DFH. CMHC Therapeutic Dietary Policy & Procedure states that I am to receive, daily: Mustardtwice a day, haven't received it once; Powdered Milk, 8 oz. twice a day, I received it only 9 meals; I am to receive Raisins, or Prunes, 2 oz. 3 times per day, I have received 19 out of 42; I have received one odd meal that wasn't covered in the Dietary Policy, and that was on April 26th this is lunch, a hamburger patty on 2 pancakes, but I did receive a PB & J on bread at the same meal. Furthermore, the Policy & Procedure s Manual also states that I am to receive either Tea or punch to drink, haven't seen either to DFH or for others on the pod, I have noticed that the outside dorms enjoy Tea or Punch delivered to them.

I am not sure if it is the Food Service Captain/Manager who is at fault for the incomplete DFH sack meals or those of her workers not wanting to do their jobs, at least for them they are receiving hot meals for working in the kitchen.

	The second secon
	the description of the state of
	- Automotive Control of the Control
	The state of the s
	A STATE OF THE STA
	AND THE RESIDENCE OF THE PROPERTY OF THE PROPE
Action Requested to resolve your Complaint. Would like to see the DFH menu followed, and delivered as is	s posted in the CMHC Therapeutic
Policy & Procedures Manual, if this isn't the Policy, I'd li	
Offender Signature: Roman	Date: April 28th 2020; PM drop
	Color Color Color dada, Selver and S. Selver E. Selver E. Selver Color C
Grievance Response:	
Signature Authority: 12 1—15 you are dissatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance Inv	Date: 6-20-20 estigates within 15 days from the date of the Step 1 response
Signature Authority:  If you are dissatisfied with the Step 1 responses you may submit a step 2 (1-128) to the Unit Grievance by State the reason for appeal on the Step 2 Form.	estigates within 15 days from the date of the Step 1 response
Signature Authority:  (F) on are dissellative with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance by  State the resson for inspect on the Step 2 Form	estigates within 15 days from the date of the Step 1 response
Signature Authority:  (Lyon are dissatisfied with the Step 1 responses you may submit a step 2 (1-128) to the Unit Grievance Inv.  State the reason for appeal on the Step 2 Form.	estigates within 15 days from the dair of the Step 1 response
Signature Authority:  If you are dissatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the reason for impeal on the Step 2 Form.  Returned because:  *Resubmit this form when the corrections are made.	OFFICE USE ONLY
Signature Authority:  (I) on are disastisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance by State the reason for appeal on the Step 2 Form.  Returned because:  *Resubmit this form when the corrections are made.	OFFICE USE ONLY Initial Submission UG! Initials:
Signature Authority:  (1) on are dissatisfied with the Step 1 response, you may submit a Step 2 (1-128) to the Unit Grievance by State the reason for appeal on the Step 2 Form.  Returned because:  *Resubmit this form when the corrections are made.    1   Grievable time period has expired   2   Solianission in execss of 1 every 7 days   *	OFFICE USE ONLY Initial Submission UG! Initials: Gray and a:
Signature Authority:  (1) on are disadisfied with the Step 1 response, you may submit a Step 2 (1-128) to the Unit Grievance by State the reason for appeal on the Step 2 Form.  Returned because:  *Resubmit this form when the corrections are made.  1 Grievable time period has expired  2 Solianission in excess of 1 every 7 days.  2. Originals not submitted.	OFFICE USE ONLY Initial Submission UG! Initials: Grievance 8: Screening Criteria Used:
Signature Authority:  (1) on are dissatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the reason for impeal on the Step 2 Form.  Returned because:  *Resubmit this form when the corrections are made.    1   Grievable time period has expired   2   Solianission in excess of 1 every 7 days   *	OFFICE USE ONLY Initial Submission UG! Initials: Grievance a: Screening Criteria Used: Date Recal from Offender:
Signature Authority:  (1) on are disadisfied with the Step 1 response, you may submit a Step 2 (1-128) to the Unit Grievance by State the reason for appeal on the Step 2 Form.  Returned because:  *Resubmit this form when the corrections are made.    1 Grievable time period has expired     2 Soit mission in excess of 1 every 7 days *   3. Originals not submitted.     4 Inappropriate Fixensive attachments     5 No documented attempt at informal resolution. *	OFFICE USE ONLY Initial Submission UG! Initials: Grievance 3: Servening Criteria Used: Date Recal from Offender: Date Returned to Offender:
Signature Authority:  (Fyon are dissatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the reason for impeat on the Step 2 Form.  Returned because:  *Resultant this form when the corrections are made.    1 Grievable time period has expired     2 Solianission in excess of 1 every 7 days *   3. Originals not submitted.       4 Inapprepriate/Excessive attachments       5 No documented attempt at informal resolution.       6 No requested relief is stated.	OFFICE USE ONLY Initial Submission UG! Initials:  Gricy and a:  Screening Criteria Used:  Date Recal from Offender:  Date Returned to Offender:  2at Submission  UG! talkink:
Signature Authority:  (1) on are dissatisfied with the Step 1 response, you may submit a Step 2 (1-128) to the Unit Grievance few State the reason for appeal on the Sten 2 Form.  Returned because:  *Resubmit this form when the corrections are made.  1 Grievable time period has expired  2 Solianission in excess of 1 every 7 days.  3. Originals not calimitted.  4 Inapprepriate Fixeessive attachments.  5 No documented attempt at informal resolution.  6 No requested relief is stated.  7 Matteions use of vulgar, indecent, or physically the atening language.	OFFICE USE ONLY Initial Submission UG! Initials: Grievance 3: Sereoning Criteria Used: Date Recal from Offender: Date Returned to Offender: 2at Submission UG! Initials:
Signature Authority:  (1) on are dissatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the reason for impeat on the Step 2 Form.  Returned because:  *Resultant this form when the corrections are made.    1 Grievable time period has expired.   2 Solianission to excess of 1 every 7 days. *   2 Originals not submitted.	OFFICE USE ONLY Initial Submission UG! Initials: Grievance a: Sereoning Criteria Used: Date Returned to Offender: Date Returned to Offender: 2at Submission UGI Juliabs: Sereoning Criteria Used:
Signature Authority:  (1) on are dissatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the reason for appeal on the Step 2 Form.  Returned because:  *Resultant this form when the corrections are made.    1 Grievable time period has expired     2 Solianission in excess of 1 every 7 days *   3 Originals not submitted   1     4 Inapprepriate/Excessive attachments   1     5 No documented attempt at informal resolution. *   6 No requested relief is stated   1     7 Materious use of sulgar, indecent or physically the atening language   *   8 The issue presented is not grievable   9     9 Redundant, Refer to grievance is   10. (liegable incomprehensible. *	OFFICE USE ONLY Initial Submission UG! Initials: Grievance 3: Sereoning Criteria Used: Date Recti from Offender: Date Returned to Offender: 2nd Submission UGI talkink: Conceance 2: Sereoning Criteria Used: Date Returned to Offender: Date Returned to Offender: Date Rectification UGI talkink:
Signature Authority:  If you are dissatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the reason for appeal on the Step 2 Form.  Returned because:  *Resulted this form when the corrections are made.  I Grievable time period has expired  2 Soit mission to excess of 1 every 7 days.  3. Originals not submitted.  4 Inapprepriate/Excessive attachness.  5 No documented attempt an informal resolution.  6 No requested relief is stated.  7 Matrious use of vulgar, indepent or physically the attempt anguage.  8 The issue presented is not grievable.  9 Redundant, Refer to grievance.  10 Illeginle incomprehensible.	OFFICE USE ONLY Initial Submission UG! Initials: Greening Criteria Used: Date Resultrom Offender: Date Refurned to Offender: Screening Criteria Used: UG! Initials: Criteria Used: Date Refurned to Offender: Date Refurned to Offender: Date Read from Offender: Date Read from Offender: Date Read from Offender: Date Reduced to Offender:
Signature Authority:  If you are dissatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the vessor for appeal on the Step 2 Form.  Returned because:  **Resultable time period has expired.  1 Chievable time period has expired.  2 Soil mission to excess of 1 every 7 days.  3. Originals not submitted.  4 Inapprepriate/Excessive attachments.  5 No documented attempt at informal resolution.  6 No requested relief is stated.  7 Materious use of vulgar, indecent, or physically the attening language.  8 The issue presented is not grievable.  9 Redundant, Refer to grievance.  10 Illegiale incomprehensible.  11 Inappropriate.  12 CGI Printed Name/Signature:	OFFICE USE ONLY Initial Submission UG! Initials: Grievance #: Servoing Criteria Used: Date Recul from Offender: Date Returned to Offender: Servoing Criteria Used: Date Returned to Offender: Date Returned to Offender: Date Red from Offender: Date Red from Offender: Date Red from Offender: Date Red from Offender: Date Redurned to Offender: Date Returned to Offender:
Signature Authority:  If you are disatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the reason for impeal on the Step 2 Form.  Returned because:  *Resultant this form when the corrections are made.    1 Chievable time period has expired.   2 Soit instance in excess of 1 every 7 days.   3. Originals not submitted.	OFFICE USE ONLY Initial Submission UG! Initials: Greening Criteria Used: Date Resultrom Offender: Date Refurned to Offender: Screening Criteria Used: UG! Initials: Criteria Used: Date Refurned to Offender: Date Refurned to Offender: Date Read from Offender: Date Read from Offender: Date Read from Offender: Date Reduced to Offender:
Signature Authority:  If you are dissatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the vessor for appeal on the Step 2 Form.  Returned because:  **Resultable time period has expired.  1 Chievable time period has expired.  2 Soil mission to excess of 1 every 7 days.  3. Originals not submitted.  4 Inapprepriate/Excessive attachments.  5 No documented attempt at informal resolution.  6 No requested relief is stated.  7 Materious use of vulgar, indecent, or physically the attening language.  8 The issue presented is not grievable.  9 Redundant, Refer to grievance.  10 Illegiale incomprehensible.  11 Inappropriate.  12 CGI Printed Name/Signature:	OFFICE USE ONLY Initial Submission UG! Initials: Grievance 2: Servening Criteria Used: Date Recti from Offender: Date Returned to Offender: Experiment F Servening Criteria Used: UGI Initials: Consequence 2:  Date Returned to Offender: Date Red from Offender: Date Red from Offender: Date Red from Offender: Date Redurned to Offender: Date Returned to Offender:
Signature Authority:  If you are disatisfied with the Step 1 response, you may submit a step 2 (1-128) to the Unit Grievance by State the reason for impeal on the Step 2 Form.  Returned because:  *Resultant this form when the corrections are made.    1 Chievable time period has expired.   2 Soit instance in excess of 1 every 7 days.   3. Originals not submitted.	OFFICE USE ONLY Initial Submission UG! Initials: Grievance a: Sereoning Criteria Used: Date Returned to Offender: Zad Submission UG! Initials: Sereoning Criteria Used: Date Returned to Offender: Date Red from Offender: Date Red from Offender: Date Red from Offender: Date Returned to Uffender:

RECID 06-22-20

# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER GRIEVANCE PROGRAM

# NOTICE

All documentation that follows this sheet is <u>restricted</u> and confidential and is not to be released without the authorization of the administrator of offender grievances.

# RESTRICTED AND CONFIDENTIAL

Exhibit 1

052

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 54 of 76 GRIEVANCE INVEST: GATION WORKSHEET

CHARLEST AND A STATE	and the second property of						STEP1 X	
GRIEVANCE OFFICE USE ONLY							STEP 2	
nit: ST	Investigator ID: 17	2758 1781	Date In	ritiated: 04/29/20	The state of the s	oleted: JUN Grievance Nu	1 6 2020 Due:	06/08/20 59
Issue Code: 500	EMERGENCY VES ( ) NO (x)	ADA Disciplinary Medical	()	Property Religion OPI Investigation	( )	Use of Ford Harassmer PREA	re (LOF) at or Retaliation*	( )
	ssue: (Include date, ti not received a proper d lease explain		al during	the lockdown and he	has sent se	veral I-60's t	o food service mar	nager with
Nould like to se	e DFH menu followed	ı						
he following is to be	e completed and signed by	the levestigating Offi	cial Attacl	statements/supporting d	ocumentation, i	f applicable		
Summary of F	Fact Finding Activity V Gilder supervisor	ity:	cial Artech	statements/supporting d	ocumentation. i	f applicable.		
FSM (*External Suggested Res	Fact Finding Activity V Gilder supervisor	ity: comments  service departn ance with the fe	nent is a	ware of your Diet fice policy. No evid	for Health o	diet. You ar		

I im gravance is twine processed in an effort to receive a problem through the established procedures identified in BP-D1 = and AT-B382. It is expressly problemed to subject the gravant, other offenders, or staff to any our represal for the use of these procedures.

Exhibit 1

OG-01 Rev 07 2016

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 55 of 76 GRIE VANCE INVESTIGATION WORKSHEET

, E			- Insura		Officia	d Statement				
		Staff	1	· na						
L)mit:	ST	Name:	Food Se	ervice		Grievance	#: 2020112559	Date:	04/29	9/20
OfTend	ler									
Name:	_	Fain,	Roger	TDCJ#:	700474		Housing Location:	4F-40B	80/90	YR
neh as "I nswers ar OIG). Att nd the of ne grievar	don't know" o e to be factual, p omes General's fender or with o nee investigator	r "I have no knorofessional, and Office and State other individual Sign and date if	owledge of complete and Federal Vou are one form in t	". If you have Do not include Court Offici- expected to re- the designated int Grievance	e no knowledge de opinions or als may review num this investit locations when Office. The g	te explain the resumed tour response Augation within 10 and completed and	s each allegation thoroughly. It is not way to go I was on vacual and Remember, the Executive all grievances are confidential working days of receipt. Additionally to the Unit Grievance at he duplicated or shared will becuments.	ion I was not Director. Offi and may not conal time may Office If you	assigned ther ce of the Insp be discussed be requested a were provide	e, etc.) You cotor Genera between you by contacting ed a narrative
1	Participant(s)	Statement								
í	Andread and Anton American St. (18).	Statement (sig	ned)							
j	A TANK THE PARTY OF THE PARTY O	(Recreation.	7.4	eeding)			Other			
1	Shift Roster						Staff or Offender Protecti	on Investiga	ation	
1	Ingress/Egres						Property Inventory Form	s		
1	Property Con	fiscation For	n				Property Logs			
aims he	ATIONS: has not rece Please expla	aived a propei ain	diet for h	nealth mea	during the I	ockdown and	he has sent several I-60's	s to food se	rvice mana	ger with h
aims he	has not rece	ain	diet for h	nealth mea	during the I	ockdown and	he has sent several (-60's	s to food se	rvice mana	ger with h
aims he	has not rece Please expla	ain	diet for h		I during the I		he has sent several I-60's	s to food se	rvice mana	ger with h
EMPLO	e has not rece Please expla OYEE STATE	ain	diet for h			E		s to food se	rvice mana	ger with h
EMPLO PRINT	e has not rece Please expla OYEE STATE	EMENT:	diet for h		SIGNATU R	E		to food se	nvice mana	ger with h
EMPLO PRINTI	e has not rece Please expla OVEE STATE	EMENT:	diet for h		SIGNATU R	E ARTMENT		to food se	n the	ger with h
EMPLO PRINTI	ED NAME  TITLE  SISOR COM  LED NAME	EMENT:	diet for h	\$ 2 °	SIGNATUR SHIFT/DEP	E ARTMENT	DATE  DATE  DATE  SELECT  SELE	to food se	n the	ger with h

**Exhibit 1** 

OG-01 Rev. 07/2016

054

Step 1	$\times$	Grievance #	Offender Name	TDCJ# Unit
Step 2		2020112559	Fain, Roger	1 700474 ST



# Texas Department of Criminal Justice NOTICE OF EXTENSION

# Offender Grievance Office

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, "Management of Offender Grievances,", you are hereby notified that additional time is necessary to complete the investigation of your:

Step 1 Grievance: (check the applicable box)	
An additional 30 days is needed for appropriate r	esponse to your disciplinary appeal.
An additional 40 days is needed for appropriate r	esponse to your grievance.
An additional 45 days is needed for appropriate r	esponse to your medical Step 1 grievance.
Step 2 Grievance: (check the applicable box)	
An additional 30 days is needed for appropriate r	esponse to your disciplinary appeal.
An additional 40 days is needed for appropriate r	esponse to your Step 2 grievance.
An additional 45 days is needed for appropriate	esponse to your medical Step 2 grievance.
Y. Reynolds UGI II	06/01/2020
Name and Title	Date
Original - Send to the Offender	
Copy - Attach to the Grievance	

#### 

Step 1		Grievance #	Offender Name	TDCJ#	Unit
Step 2	$\boxtimes$	2020112559	FAIN, ROGER	00700474	ST

(Check which box applies (Step 1 or Step 2)



#### Texas Department of Criminal Justice Offender Grievance Office

### NOTICE OF EXTENSION

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, "Management of Offender Grievances,", you are hereby notified that additional time is necessary to complete the investigation of your:

Step 1 Grievance: (check the applicable box)	10
An additional 30 days is needed for appropria	tte response to your disciplinary appeal.
An additional 40 days is needed for appropria	ate response to your grievance.
Step 2 Grievance: (check the applicable box)	
An additional 30 days is needed for appropria	ate response to your disciplinary appeal.
An additional 40 days is needed for appropria	te response to your Step 2 grievance.
An additional 45 days is needed for appropria	te response to your medical Step 2 grievance.
B. Ferguson	8/4/2020
Name	Date

Original – Send front page only to the Offender. Copy – Attach front and back to the Grievance.

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 58 of 76 GRIEVANCE INVESTIGATION WORKSHEET

Restricted & Confidential

GRIEVANO ONLY	CE OFFICE USE						STEP 1	X
Unit: CGO Offender Name:	Investigator ID: 1-2	2725 Da	an oak h	ated: 10/01/20 I			01/20 Date Due:	09/12/20
Issue Code: 500	EMERGENCY YES () NO (X)		) R	roperty teligion PPI Investigation	()	Use of For Harassmer PREA	ce (UOF) nt or Retaliation*	()
Summary of Offender claim Managed He	not allowed to review the grie on must be conducted by the C Issue: (Include date, the irns on 4/15/20 he r alth Care Therapeu 2 sack meals, 13 ha	office of Inspector General (Come and location): received a DFH jotic Dietary Policy	eet at any DIG) and i hnnie;	time. For claims of sexual the OIG Fact Sheet complete however, it was	abuse, sexu red. not wha	al assault, crimi	scribed by the C	Correctional
The following is to Summary of Su	emedy: "H menu followed. be completed and signed by the Fact Finding Activities of the policy of the	ty: ilder, FSM IV, whic	h state	s, "Offender Fain	is listed	on the DFI		e is served a
An investigati	esponse to Offender on has been conduct of being served in acc	ed into your compla						your claims
OUTCOME of Investigating of Printed Name:	fficial completes the se	RESOLUTION C	ODE:	Signature:	H. Bet	on the second se		

This grievance is being processed in an effort to resolve a problem through the established procedures identified in BP-03.77 and AD-0382. It is expressly prohibited to subject the grievant, other offenders, or staff to any form of reprisal for the use of these procedures.

**Exhibit 1** 



# Texas Department of Criminal Justice

# STEP 2

# OFFENDER GRIEVANCE FORM

Offender Name: Roger Fain		TDCJ#_	00730474
Unit: Mark W. Stiles	Housing Assignment:	4 F 2 -	408
Unit where incident occurred:	4 Building - Stile	es Unit	

OFFICE USE ONI	Y
Grievance #: 2020090	028
UGI Reed Date: 4-27-2	2020
HQ Reed Date: APR 2	2020
Date Due: U · U	
Grievance Code: 200	
Investigator ID#: 15/2	
Extension Date: 7-16	PATRICIA III III III III III III III III III
A service of the serv	

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

The issues in the Grievance were not addressed, not due to the Senior Warden's response due to the fact that Senior Warden Williams did not have all of the facts necessary to make a proper evaluation, and respond to that evaluation. The fault lays with the Grievance Investigator.

If the Senior Warden had known what time of night, what the circumstances were for the 03/
17/20 move, the Warden's Response would have been different. But since Senior Warden Williams
only signs off on the Grievance without reading it, and making an independent assessment of the
facts he is just rubber stamping what the Grievance Investigator/Coordinator is stating on the
response portion of the Grievance.

If the facts had been available to the Senior Warden the outcome would be different and in my favor, not just merely stating that"...a housing change was provided on 03/17/20." As if in that response the matter was settled.

A second Grievance was filed on 03/17/20 another Grievance was filed with the Grievance Office, this Grievance stated that Offender Eddie Williams had become violent, which I stated was my concern on the 03/12/20 Grievance, which was ignored until I was attacked in the middle of the night by Eddie Williams. That he had heated my hot pot to the point of melting, and then when I attempted to unplug it, he took it, and started swinging it at me, burning me with the melted plastic, when I got him under control, called out to some on the run to get a guard, the guard came and I was questioned as to what happened, I stated that he had attacked me and destroyed my hot pot in the process.

My 03/17/20 Grievance stated these facts, and I asked for my hot pot to be replaced, and

# 

I was called up to the Grievance Office, offered a replacement	ent for my hot pot, and to sign a stat
ment withdrawing the 03/17/20 Grievance. The fact of the ma	atter is, my 03/12/20 Grievance which
was marked "Emergency" several places was ignored, it was or	nly responded to after I was attacked
in the middle of the night by an Offender who has had a hist	tory of being moved due to problems
with his cellies. This matter should have been handled differender Signature: Local Tain #00700479	ferently, but was ignored, as usual.  Date: April 24th 2020
Grievance Response:	and let be a second and the second a
42	
An investigation was conducted into your allegations. Your Step 1 respon	
time you feel you are being subjected to a clear and present danger from a	
contact a TDCJ ranking officer for immediate assistance. No further action	n warranted.
h A A	
Signature Authority: M. LEWANDOWSKI	JUN 2 8 2020
Signature Authority: 11 W	JUN 2 8 2020 Date:
	JUN 2 8 2020  Date:  OFFICE USE ONLY
Returned because: *Resubmit this form when corrections are made.	JUN 2 8 2020  Date:  OFFICE USE ONLY Initial Submission CGO Initials:
Returned because: *Resubmit this form when corrections are made.  I. Grievable time period has expired.	JUN 2 8 2020  Date:  OFFICE USE ONLY
Returned because: *Resubmit this form when corrections are made.  I. Grievable time period has expired.  2. filegible/Incomprehensible.*	JUN 2 8 2020  Date:  OFFICE USE ONLY Initial Submission CGO Initials: Date UGI Recdy
Returned because: *Resubmit this form when corrections are made.  I. Grievable time period has expired.  2. tilegible/Incomprehensible.*  3. Originals not submitted.	Date:  OFFICE USE ONLY Initial Submission CGO Initials: Date UGI Recd: Date CGO Recd: Icheck (200) Screened Improperty Submitted Commenter
Returned because: *Resubmit this form when corrections are made.  I. Grievable time period has expired.  2. tilegible/Incomprehensible.*  3. Originals not submitted.*  4. Inappropriate/Excessive attachments.*	Date:  OFFICE USE ONLY Initial Submission CGO Initials: Date UGI Recd: Date CGO Recd: Icheck (arc) Screened Impreparty Submitted Comments: Limit for the part of a Cottendo
Returned because: *Resubmit this form when corrections are made.  I. Grievable time period has expired.  2. tilegible/Incomprehensible.*  3. Originals not submitted.	Date:  OFFICE USE ONLY Initial Submission CGO Initials: Date UGI Recd: Date CGO Recd: Icheck (Sac) Screened Improperty Submitted Comments: Live Screened CGO Initials:  The Sectoribation CGO Initials:
Returned because: *Resubmit this form when corrections are made.  I. Grievable time period has expired.  2. tilegible/Incomprehensible.*  3. Originals not submitted.*  4. Inappropriate/Excessive attachments.*	Date:  OFFICE USE ONLY Initial Submission
Signature Authority:  Returned because: *Resubmit this form when corrections are made.  I. Grievable time period has expired.  2. tilegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Matichuse use of vulgan indecess, or physically thremening language.	Date:  OFFICE USE ONLY Initial Submission
Signature Authority:  Returned because: *Resubmit this form when corrections are made.  I. Grievable time period has expired.  2. tilegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Matichuse use of vulgan indecess, or physically thremening language.	Date:  OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. thegible/Incomprehensible.*  3. Originals not submitted.*  4. Inappropriate/Excessive attachments.*  5. Matichus- use of vulgan indecest, or physically threatening language.  6. Inappropriate.	Date:  OFFICE USE ONLY Initial Submission
Signature Authority:  Returned because: *Resubmit this form when corrections are made.  I. Grievable time period has expired.  2. tilegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Matichuse use of vulgan indecess, or physically thremening language.	Date:  OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. thegible/Incomprehensible.*  3. Originals not submitted.*  4. Inappropriate/Excessive attachments.*  5. Matichus- use of vulgan indecest, or physically threatening language.  6. Inappropriate.	Date:  OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. thegible/Incomprehensible.*  3. Originals not submitted.*  4. Inappropriate/Excessive attachments.*  5. Matichus- use of vulgan indecest, or physically threatening language.  6. Inappropriate.	Date:  OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. thegible/Incomprehensible.*  3. Originals not submitted.*  4. Inappropriate/Excessive attachments.*  5. Matichus- use of vulgan indecest, or physically threatening language.  6. Inappropriate.	Date:  OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. thegible/Incomprehensible.*  3. Originals not submitted.*  4. Inappropriate/Excessive attachments.*  5. Matichus- use of vulgan indecest, or physically threatening language.  6. Inappropriate.	Date:  OFFICE USE ONLY Initial Submission

Case 5:20-cv-01149-DAE Document 94-3 Filed 03/3 Texas Department of Criminal Justice	81/22 Page 61 of 76 OFFICE USE ONLY
TAMER GEILOY	Grievance #: 2020090028
OFFENDER	Date Received: MAR 13 2020
GRIEVANCE FORM	Date Due: 04-22-2030
- Chartener Green	Grievance Code: 200
Offender Name: ROGER TALK TOCH 700474	Investigator ID #: I 2758
Unit: Styles Housing Assignment: \$\\ 3-60B	Extension Date:
Unit where incident occurred: STILLS 4 BULLDING	Date Reid to Offender APR 2 2 2020
	Part Total to Official Control of the Part
You must try to resolve your problem with a staff member before you submit a formal co	mplaint. The only exception is when
Who did you talk to (name, title)?	When? 9.45PM 03/12/20
What was their response? TOOD HE TO CHEM DOWN, WALKS	
What action was taken? NOTHING, SAID THON WORE G	DING TO NOVE HIM 10 RD
State your grievance in the space provided. Please state who, what, when, where and the	disciplinary case number if appropriate
EDNE WILLIAMS WAS MOVED HOM 403 9	a to 40 5 600, 1048
MOUS WAS THE RESULT OF THE DEFENIER	IN SGB KOT BETHLE
DIVIED TO CHE WITH HOW, WHY EXCHUSE H	8 (PTUST) 10 SATA
AS STATE AS GOD MOVED OF ALLES THE DECK	SHI IN INTO THE CELL
ENNY WILLIAM PAGE FOR THE THE	AGAINM, FORTHINKON
DONDARM FORE HT IS A MONTAL CALL	THIN TO THE LOTE
AT AN HOURS OF THE DAY AND ANGET -	WINGS DAVICH AND
PINS IN OTHER PROPERTY THEE CURS	AND SPRANT FROM
THE CHOW HAVE, PLACES THOM WOTH TH	ALM ALOUND TOO PN-
TIRE POD.	
FONE WILLIAMS IS A HOALTH PROBLEM	TO HIMSELF AND TO
THOSE ALOUND HIM. THIS MAN SHOULD T	HAVE BODE PLACED
IN A NUT WARD, NOT IN GP. HIS MOU	5 From 0350 40
D3 GOT WAS BASID SOLELY ON THE FO	ACT THAT I HAD
A BONK AVAILABLE THOU AND Seven	AL OTHER BUNKS ALSO
APON) AND HO IS BLACK AND I'M WHO	TE, WHITE WETTOUT
ANY TYPE OF RACIAL RESTRICTIONS.	
Tho NOT BRUING MYSELF SAFE CIV.	ING IN THE SAME
CELL AS FODIE WICCIAMS, I BELIEVE	THE COUCH DECOME
VIOLENT DURING THE NIGHTI AND ATTA	CE DE MITTOOT AMY
PANA ICAMAN.	

Case 5.20-CV-01149-DAL D	ocument 94-5 Filet	AMILII GODTINA
THE CAVEM PROPORT MOTICE	2 110000	Br Amot was
A PRODUM EXISTS, AND	Necros 10	DOME SULTAN
toke ANY FURTHER PROL	scoms Afiso	SHOWEN WAS ALLOWON AT Z-OW
HAD EDDIE WILLIAMS ALREE	TING 70 A-	SHOWON, GUARDS RETWED TO
OPEN THE CELL TO DO SO!	OFFERED HI	M CLOTHOS, BUT HO
Corola Schoon TOLO NE	45 10:15 PM	AFTICA RITURNINI, FIRM H
RIVALLE THE STATE CALL	on Note Ha	TO IN RALLACIU ALOU'S
HOW MAN WENT COME	TO THOUS ATTO	AM AND DE PLANTER
THEPPON, DEFECTIVE OFF THIS C	MIN 164014E	OFFERIDORS PLOISENTS OF
CAUSE THEY HAVE CHEE, AS	ed bout wa	NT TO RESSEVE THE PSUE
school square the your Company works	TO ATTENTION	BY THE AMNINISTRATION
1775 MINION PAGED POLIDINI	Navior De	Don in Fair to A Fair Clings
THE TOTAL OFFERINGE OF ME	MOUSD COM	WOOD IN DOX AT ADOUT T.COM
Offender Signature: Jogun 7	10091	4 Mare 05/12/20 10:13/1
Grievance Response:		
100 TO 100 T		
	1 1	
An inquiry into your grievance was conduct	ed and the investigation	revealed that a housing change was
provided on 03/17/2020. No further action	warranted.	
Bryan Williams	0	
Warden	K S LAD	4-21-2025
ignature Authority: you are dissatisfied with the Step 1 regionse, you may submit a Step 2	(1.12%) toda Unit Crasvance tr	Date: Y C ()
rate the reason for appeal on the Step 2 Form.	Action (New Yorks)	
eturned because: *Resubmir this form when the correction	ans are made.	
1. Grievable time period has expired	·	
2 Submission in excess of Levery 7 days *	*	OFFICE USE ONLY
3 Originals not submitted *		Initial Submission UGI Initials:
3. Inapproprinte/Excessive attachments		Grievance #:
5 No documented attempt at informal resolution *		Screening Criteria Useda
6. No requested relief is stated. *		Date Reed from Offender
7 Mahelous use of rulary, indecent, or physically threatening h	anguage. S	Days Returned to Offender
8 The issue presented is not gricyable		202 Submission CGI Initials:
9. Redundant, Refer to grievance #		Gijevanes #:
10 Hegible Incompreheasible *	The state of the s	Softening Cauchy Cash.
11 toappropriate, *		Date Reed from Offender,
		Date Seturated to Offender
GI Printed Name/Signature:		J. Sabmission UGI Initials:
pplication of the screening criteria for this grievance is n	not expected to adversely	Grie varue 4:
ffect the offender's health.		Screening Criteria Used
ledical Signature Authority:		Date Reed from Offender;
		Date Returned to Offender:
-127 Back (Revised 11-2010)	Exhibit 1	7 , 061
	11 /	KO N AV 77 70 Appendix F
	IV.	EC D 04-22-70 Appendix F

# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER GRIEVANCE PROGRAM

# **NOTICE**

All documentation that follows this sheet is <u>restricted and</u> <u>confidential</u> and is not to be released without the authorization of the administrator of offender grievances.

# RESTRICTED AND CONFIDENTIAL

Exhibit 1 Offender Grievance Operations Manua 62
Appendix W

Step 1	Grievance #	Offender Name	TDCJ#	Unit
Step 2	2020090028	FAIN,ROGER	700474	ST

(Check which box applies (Step 1 or Step 2)



#### Texas Department of Criminal Justice Offender Grievance Office

#### NOTICE OF EXTENSION

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, 
"Management of Offender Grievances,", you are hereby notified that additional time is necessary to 
complete the investigation of your:

Step 1 Grievance: (check the applicable l	hox)
An additional 30 days is needed for ag	propriate response to your disciplinary appeal.
☐ An additional 40 days is needed for ap	propriate response to your grievance.
Step 2 Grievance: (check the applicable	box)
An additional 30 days is needed for ap	propriate response to your disciplinary appeal.
An additional 40 days is needed for ap	opropriate response to your Step 2 grievance.
☐ An additional 45 days is needed for ap	opropriate response to your medical Step 2 grievance.
V. Barrow Name	05/01/20 Date
Original - Send front page only to the Offer	
Copy - Attach front and back to the Grieva	nce.

Exhibit 1

(E)	tdc01fsd	Ca <b>se 5:200 cvr</b> 01149-DAE	Document 94-3	Filed 03/31/22 Page, 65 of 76	10:58:07	AM

HOUSING		HOUS	ING	-1	INM	I/HS	3	JOB ASGN
DATE	UNIT	ASGNN	INT	-1	CU	JST	AUTH	DATE   ASSIGNMENT AUT
	H	OUSING CO	MME	T				JOB COMMENT
04/02/20 FC/RDO	ST	4F22	40	В	G2	GA	TC	08/30/19 UTILITY GEN SQ 1ST A SID JW JW/MLG
08/30/19 JW/MLG	ST	4D32	60	В	G2	GA	JW	08/28/19 TRANSIENT CUSTODY OVERFL UCC UCC/RDO
08/30/19	ST	UNASGN			G2	TR		08/21/19 UNASGN PENDING SCC DOCKE PAS
08/28/19	ST	11TRA	35	В	G2	TR	UCC	08/12/19 TRANSIENT PEND DIAG PROC RRW
JCC/RDO	DIT	TINIA CONT			an	TTD.		INTAKE 08/07/19 TRANSIENT NON-ROUTINE TR SB
08/28/19	DU	UNASGN	03	D	G2 G2	TR	RRW	12/04/18 I/S MED SQ 01 KS
08/12/19 08/12/19	DU NE	C10 UNASGN	03	D	G2	TR	ICICM	05/30/18 I/S MED SQ 03 RS
8/07/19	NE	GTR	17	B			SB	11/18/14 QUALITY ASSURANCE TECH 1 GM
3/19/19	ML	UNASGN		_	G2	G2	-	02/24/14 GARMENT INSPECTOR 1ST OC
CONTRACTOR AND STREET, AND STREET, CO., Co., Co., Co., Co., Co., Co., Co., Co		G/JOBS AT	AIL	AB:				27, 27, 26, 26, 26, 27, 27, 27, 27, 27, 27, 27, 27, 27, 27

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 66 of 76 GRIEVANCE INVESTIGATION WORKSHEET

Restricted & Co	nfidential						
							STEP 1
GRIEVANCE OFF	ICE USE ONLY						STEP 2 X
Unit: CGO Offender Name:	Investigator ID: 113	112	Date Initiate	d: 6		ate ompleted G	Date d: 6/26/20 Due: 7/16/20 rievance Number: 2020090028
	are not allowed to rev staff, Excessive or Unr	iew the grievand	ce investig	gation wor	edure, Acces ksheet at any	time. F	Use of Force (UOF) ( ) Harassment or Retaliation* ( ) PREA ( )  ts, or other Legal Activity or claims of sexual abuse, sexual assault, Office of Inspector General (OIG) and the
	ie: (Include date, time	and location!					
100							
Offender states	that a housing move s	hould not have i	been nece	essary. The	e offender is	mental a	nd a harm to himself and others.
The following is Summary of Factors. Step 1 and 2. No OPI on	t Finding Activity: d 2 reviewed. i GR00 or UCR	signed by the Inv	vestigatinį	g Official.	Attach staten	nents/su	pporting documentation, if applicable.  ds do not note mental health.
An investigation being subjected		danger from an					Be advised, if at any time you feel you are contact a TDCI ranking officer for
OUTCOME COD	E: D	RESOLUT	TION COD	E: 2.01			
	ficial completes the se				outrouverées en enum		
Printed Name:	J. Warren				Signature	. Julie	Marren
Title:	CGO Investigator				Date:	6/26/2	
intic.	LOO MINESTIBULO				Martin State	and an and	C. T.

This grievance is being processed in an effort to resolve a problem through the established procedures identified in BP-03.77 and AD-0382. It is expressly prohibited to subject the grievant, other offenders, or staff to any form of reprisal for the use of these procedures.

Exhibit 1

065



# **Texas Department of Criminal Justice**

STEP 2

## OFFENDER GRIEVANCE FORM

Offender Name: Roger Fain	11 - 11 - 12	TDCJ#_	00700474	_
Unit: Mark W. Stiles	Housing Assignment:	4F 22	- 40B	
Unit where incident occurred:	Mark W. Stiles			

#### OFFICE USE ONLY

Grievance #: 2020080915

UGI Reod Date: 8-24-2020

HQ Recd Date: AUG 2 6 2020

Date Due: 1/2-3

Grievance Code: 525

Investigator ID#: 12704

Extension Date: 11/12

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

The issues presented in my Step-I, Grievance #2020086915 were not addressed, the gist of the grievance was the fact that when something happened on another section of the building, on another pod, that had absolutely nothing to do with any other section or pod, the Administration decided to punish the entire building because of the actions of two other offenders who were subsequently removed from the section/pod/building and put into 11 building, in that, the issue should have been resolved. Instead, approximately 430 offenders were denied hot meals, lay-ins. and other services that were going on that day.

Warden Smith's reply did not answer the grievance as much as it gave lip service to a party line of the Unit and possibly of the Agency. that the safety & integrity of the Staff & Offenders was at the heart of the matter.

Furthermore, Grievance #2020086915 was written on March 4th 2020, dropped into the Grievance box on March 5th 2020. In the upper right hand section of the Grievance, under "Office Use Only" it shows where the Grievance was received on March 6th 2020, Grievance Code 523, Investigator I 2758 first received it, then I 2133 dealt with it, (Assuming that 2758 is S. Thomas, and 2133 is Y. Reynolds, either/or). Extension Date May 25th 2020, (A notice for an extension was issued and sent to me on April 10th 2020. by Ms. Yolanda S. Reynolds, UGI-II, I received the extension on April 13th 2020, this extension was for 40 Days), Date Returned To Offender August 19th 2020.

From the time of the filing, the actual receipt of the grievance in the Grievance Office, to the Date that Warden Kevin Smith signed off on it. August 18th 2020 amounts to 165 days for the Grievance Investigators/Grievance Office to answer this particular Grievance, and the amount of

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 68 of 76

violates TDCJ-CID Policy. Rules & Procedures that govern the	difference process. The Grievance
office could have asked for a second additional extension, i	t didn't because their process of
dealing with Offender Grievances is contempt, indifference,	and a "Don't Care Attitude" and this
is apparent throuhout the entire Grievance Office & Processi	
offender Signature: 20 700 UTV	
Offender Signature: For Tam 1004 M	Date: August 21st 2020
Grievance Response:	
The state of the s	
An investigation has been conducted into your complaint. Record	rds indicate that there is no
record of an incident in 4 building on said date. No further actio	n warranted.
this offer separations	theres
THE MANAGEMENT OF THE CHARLEST CONTROL OF THE CONTR	
A 44 VC V CADALO A RESURPEIX A RES	
120	
V. BARROW	NOV 1 3 2020
Signature Authority: 2 Sq. V. BARROW	NOV 1 3 2021
Signature Authority:  *Resubmit this form when corrections are made.	
Returned because: *Resubmit this form when corrections are made.	OFFICE USE ONLY Initial Submission CGO Initials:
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.	OFFICE USE ONLY Initial Submission CGO Initials: Date UGI Reed
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*	OFFICE USE ONLY Initial Submission CGO Initials: Date UGI Reed Date CGO Reed:
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.	OFFICE USE ONLY Initial Submission CGO Initials:  Date UGI Reed  Date CGO Reed:  (check one)SereenedImproperty Submitted
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*	OFFICE USE ONLY Initial Submission CGO Initials:  Date UGI Reed: (check one) Sereened Improperty Submitted Comments: Date Returned to Offender:
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Malicious use of vulgar, indecent, or physically threatening language.	OFFICE USE ONLY Initial Submission CGO Initials:  Date UGI Reed  Date CGO Reed:  (check one)ScreenedImproperty Submitted  Comments:  Date Returned to Offender:
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Malicious use of vulgar, indecent, or physically threatening language.  6. Inappropriate.*	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Malicious use of vulgar, indecent, or physically threatening language.  6. Inappropriate.*	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Malicious use of vulgar, indecent, or physically threatening language.	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Malicious use of vulgar, indecent, or physically threatening language.  6. Inappropriate.*	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Malicious use of vulgar, indecent, or physically threatening language.  6. Inappropriate.*	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired. 2. Illegible/Incomprehensible.* 3. Originals not submitted. * 4. Inappropriate/Excessive attachments.* 5. Malicious use of vulgar, indecent, or physically threatening language. 6. Inappropriate.*	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Malicious use of vulgar, indecent, or physically threatening language.  6. Inappropriate.*	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired. 2. Illegible/Incomprehensible.* 3. Originals not submitted. * 4. Inappropriate/Excessive attachments.* 5. Malicious use of vulgar, indecent, or physically threatening language. 6. Inappropriate.*	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Malicious use of vulgar, indecent, or physically threatening language.  6. Inappropriate.*	OFFICE USE ONLY Initial Submission
Returned because: *Resubmit this form when corrections are made.  1. Grievable time period has expired.  2. Illegible/Incomprehensible.*  3. Originals not submitted. *  4. Inappropriate/Excessive attachments.*  5. Malicious use of vulgar, indecent, or physically threatening language.  6. Inappropriate.*	OFFICE USE ONLY Initial Submission



# se 5:20-cv-01149-DAE Document 94-3 Filed 03/81/22 xas Department of Criminal Justice

STEP 1

# OFFENDER GRIEVANCE FORM

4F-40

Offender Name: Roger Fain

TDCJ# 00700474

Unit: Mark W. Stiles Housing Assignment: 49 0 3 - 608

Unit where incident occurred: 4 Building, Stiles Unit

Grievance #: 202008 6915

Page 69 of 76 ONLY

Date Received: MAR 0 6 2020

Date Due: 04-15-3050

Grievance Code: \_

Investigator ID #:

Extension Date: 05-26

Date Retd to Offender ALIC

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Asked for Rank, was told they were unavailable When? 03/04/20

What was their response? There was none, floor rover stated "She didn't have a clue as to why ...??" What action was taken? Racked up in our cells from 12:45PM until 8:00am day room

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate On March 4th 2020, at approximately 12:45pm the rover on D Section of 4 Building came in and told us to rack up, when asked what for, she stated that she didn't have a clue, that she was informed to rack up her section. When asked to speak to rank, she informed us that rank was not available so we were racked up. Lays were not honored, and at pm chow we received 2 chicken pattys on dry bread.

I understand that being racked up is for a disciplinary and/or security reason, but yesterday's racking up of the entire 4 Building, and no other buildings or dorms were affected did not constitute a rack up for disciplinary and/or security reasons, in fact no reason was ever given for racking up the entire building.

Rumor had it that on 4 Building F 2 Section someone gone into a fight/stabbing, which in that case, that section alone should have been racked up, yet this Adminstration decide to punish not just the section but the entire building. When in fact at the time of the rack up, neither of the individuals in the fight/stabbing were even present to be locked down with the entire section and building.

It would seem that this Adminstration is promoting violation towards others by punishing everyone for the actions of a few, thus if we're to be punished for the actions of others, then it would make sense to punish those responsible for the upcoming punishment "prior" to their leaving the section. By extracting the punishment on those responsible for causing the punishment for the entire section to be locked down, fed johnnies, and treated as if they were the problem this extrating the punishment might, in the future prevent others from acting out in fear of what might befall them from others around them, in other words, offenders that offend and break the rules, peace, and quiet of those around them, those around them then discipline the offender for causing them problems. Prison is not a safe enviroment, never will be, no matter what Safe Prisor

and PREA wish Casa-5-20to that 9-00 Aside Document sufficient such	03434746nePage (beota61ons of a rew
is wrong, but TDCJ-CID's policy is to punish those that do	what is correct, and do their time,
and reward, and promote those that are the problems. It is	easier to blame everyone, instead of
taking actions against those that deserve it.	
	DIOPPOD M GRIEVANCE
	For 03/05/20 12/06/2
	67-707
Action Requested to resolve your Complaint. To have the process of racking up an entire building due to	an isolated incident investigated
and re-evaluated and only punish those that deserve it, in	stead of punishing everyone.
Offender Signature: Kopuntain 700474	Date: March 5th 2020
Grievance Response:	The state of the s
1	
Your grievance has been reviewed and investigated. To preserve the integrit	
offenders the building was racked up. Based on available facts, no further ac	tion warranted.
Keury F	- la
reevin fr	ni P(
Signature Authority:	Date: 8:18.2
f you are dissatisfied with the Step 1 response, you may submit a Step 2 (1-, 28) to the Unit Grievance Inv	
state the reason for appeal on the Step 2 Form.	
Resulted because: "Resulted this form when the corrections are made.	
1 Grievable time period has expited.	OFFICE USE ONLY
2. Submission in excess of Levery 7 days. *  3. Originals not submitted. *	Initial Submission UGI Initials.
14. Inappropriate Excessive attachments *	Sal Maria
5 No documented attempt at informal resolution.	
6. No requested role: is stated *	
7. Mulicious use of vulgar, indecent, or physically threatening language. *	Grievance #: Screening Criteria Used: Dase Reed from Offender:
- 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Cirievance #: Streening Criteria Used: Dusc Reed from Offender: Onte Returned to Offender:
18. The issue presented is not grievable	Cirievance #:  Streening Criteria Used:  Dase Reed from Offender:  Clate Returned to Offender:  2nd Submission DGI Initials:
8. The issue presented is not grievable  9. Redundant, Refer to prievance #	Grievance #: Streening Criteria Used: Date Reed from Offender: Clate Returned to Offender: 2nd Submission UGI Initials: Grievance #:
9. Redundant, Refer to grievance #	Cirievance #:  Streening Criteria Used:  Dase Reed from Offender:  Clate Returned to Offender:  2nd Submission DGI Initials:  Grievance #:  Secreening Criteria Used:
9. Redundant, Refer to grievance # 10. Illegible/Incomprehensible *	Crievance #:  Streening Criteria Used:  Dase Reed from Offender:  Clate Returned to Offender:  2nd Submission  Offender:  Grievance #:  Screening Criteria Used:  Date Reed from Offender:
9. Redundant, Refer to grievance # 10. Illegible/Incomprehensible * 11. Inappropriate. *	Cirievance #:  Screening Criteria Used:  Dase Reed from Offender:  Clate Retarned to Offender:  2nd Submission Offender:  Grievance #:  Screening Criteria Used:  Date Reed from Offender:  Date Returned to Offender:
9. Redundant, Refer to grievance # 10. Illegible/Incomprehensible *	Crievance #:  Screening Criteria Used:  Dase Reed from Offender:  Clate Returned to Offender:  2nd Submission  Offender:  Screening Criteria Used:  Date Reed from Offender:  Date Returned to Offender:  Date Returned to Offender  3rd Submission  UGf Initials:
9. Redundant, Refer to grievance #  10. Illegible/Incomprehensible *  11. Inappropriate. *  UGI Printed Name/Signature:  Application of the screening criteria for this grievance is not expected to adversely	Grievance #:  Streening Criteria Used:  Date Reed from Offender:  Clate Returned to Offender:  2nd Submission
9. Redundant, Refer to grievance #  10. Illegible/Incomprehensible *  11. Inappropriate. *  UCI Printed Name/Signature:	Crievance #:  Streening Criteria Used:  Date Reed from Offender:  Clate Returned to Offender:  2nd Submission  Offender:  Setteening Criteria Used:  Date Reed from Offender:  Date Returned to Offender:  2rd Submission  UGI Initials:  Crievance #:  Crievance #:  Screening Criteria Used:
9. Redundant, Refer to grievance #  10. Illegible/Incomprehensible *  11. Inappropriate. *  UGI Printed Name/Signature:  Application of the screening criteria for this grievance is not expected to adversely	Grievance #:  Streening Criteria Used:  Date Reed from Offender:  Clate Returned to Offender:  2nd Submission

# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER GRIEVANCE PROGRAM

# NOTICE

All documentation that follows this sheet is <u>restricted</u> and confidential and is not to be released without the authorization of the administrator of offender grievances.

# RESTRICTED AND CONFIDENTIAL

Exhibit 1 070

#### Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 72 of 76

#### GRIEVANCE INVESTIGATION WORKSHEET

Restricted & Confidential STEP 1 X GRIEVANCE OFFICE USE STEP 2 ONLY ST Date Completed: 08/14/20 05/25/20 2133 03/06/20 ( mit: Investigator ID: Date Initiated: Date Due: 700474 Grievance Number: Fain, Roger 2020086915 Offender Name: TDCJ No: Issue Code: EMERGENCY ADA Property ) | L'se of Force (LOF) ( ) 3 ( ) | flarassment or Retaliation\* YES Disciplinary Religion ( 1 4 1 ( ) 523 ( ) | PREA NO (X) Medical OPI Investigation ) Now Offenders are not allowed to review the grievance investigation worksheet at any time. For showed sexual above sexual assault criminal new to work or for reported 1991 the one sugarran must be combined in the Office of larger has consend it III, and the Otto Each Short completed Summary of Issue: (Include date, time and location): Offender alleges on 03/04/2020 that 4 building was racked up for no reason other than an incident (stabbing) in another pod. Claims no reason to rack up the entire building. Claims everyone is being punished for the actions of a few. Claim they were fed johnnies and treated like they were the problem Requested Remedy: To have the process of racking up an entire building due to an isolated incident investigated and re-evaluated and only punish those that deserve it, instead of punishing everyone The following is to be completed and signed by the Investigating Official. Attach statements/supporting documentation, if applicable. Summary of Fact Finding Activity: OGOM-M email requesting statement x2 Major Neal had no knowledge of this incident at the time I was assigned to Restrictive Housing Suggested Response to Offender: Your grievance has been reviewed and investigated. To preserve the integrity of the investigation and safety of staff and offenders the building was racked up. Based on available facts, no further action warranted OUTCOME CODE: D RESOLUTION CODE: 201 Investigating official completes the section below: J Lombrano Printed Name: Signature: AA IV 08/14/20 Title: Date: This grim were a being processed in an office to resolve a poshlem shrough the established procedures identified in UP 13 = 24d 4D-8362. It is expressly probabiled in subject the grievant, indeer offenders, or staff to any

Exhibit 1

071

### Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 73 of 76

# GRIEVANCE INVESTIGATION WORKSHEET

OVERDUE since 05/25/2020 5/25

			1 2 3 1 h	Jan Jan Wa	Ц.,	l <sub>S</sub>	ر د د د کاله		
Unit	t: TL	Staff Name:	M	4					
	ender	Mame:	Major Neal	Grievano	e#:	-	2020086915	Date:	08/01/2020
Nan	7.77	Fain, Roger	TDCJ#:	7004	474	. 1	Housing Location:		4 D 3
nnawer (OIG), and the the gae	Attorney Gene offender or s vance investig	tual, professional, and completed by Office and State and Forwith other individuals. You seem. Sign and date the form	participate in this investigation to of. If you have no knowled ote. Do not include opinions or detail Court Officials may review are expected to return this investigation designated locations while Unit Grievance Office. The please Provide the	se explain the unrelated come your response beautor within to completed in gricvance may	ments All g 10 work nd returned be	Re Pie rkin e du	member, the Executive Examines are confidential a g days of receipt. Addition to the Unit Grievance C plicated or shared with	in I was now humaner, Diffi and may not mal time may	atsupped there, etc., Your or of the inspector General be discussed between you be requested by contacting
		out(s) Statement							
	Witness	(es) Statement (signed)							
	Shift Ros	Logs (Recreation, Shows	r, Feeding)		Oth		The state of the s		
		gress Log					or Offender Protectio	n Investige	tion
		Confiscation Form					rty Inventory Forms		
		ATEMENT:	like they were the pro	14 C	1100000				
PRIN	TED NAME		SIGNATUR	IC.	Harris		DATE	Har.	
RANI	CTITLE		SHIFT/DEP	ARTMENT		-	,		
SUPE VC	RVISOR CO	OMMENTS: I	here he	Y I	CUL LI		edic o	fit	hp7-10
	TED NAME	you	SIGNATURI	H			DATE	16	2
RANK	VTITLE	)	SHIFT/DEPA	ARTMENT					

**Exhibit 1** 

Step 1 🗵	Grievance #	Offender Name	TDCJ#	Unit
Step 2	2020085915	Fain Roger	700474	ST



# **Texas Department of Criminal Justice**

#### NOTICE OF EXTENSION

### Offender Grievance Office

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, "Management of Offender Grievances,", you are hereby notified that additional time is necessary to complete the investigation of your:

Step 1 Grievance: (check the applicable box)	
An additional 30 days is needed for appropriate r	esponse to your disciplinary appeal.
An additional 40 days is needed for appropriate re	esponse to your grievance.
An additional 45 days is needed for appropriate r	esponse to your medical Step 1 grievance.
Step 2 Grievance: (check the applicable hox)	
An additional 30 days is needed for appropriate to	esponse to your disciplinary appeal.
An additional 40 days is needed for appropriate r	esponse to your Step 2 grievance.
An additional 45 days is needed for appropriate r	esponse to your medical Step 2 grievance.
Y Reynolds UGI II	04/10/2020
Name and Title	Date
Original - Send to the Offender	
Copy - Attach to the Grievance	

Step 1		Grievance #	Offender Name	TDCJ#	Unit
Step 2 X 2020086915		2020086915	Fain, Roger	700474	CY

(Check which box applies (Step 1 or Step 2)



# Texas Department of Criminal Justice NOTICE OF EXTENSION Offender Grievance Office

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, "Management of Offender Grievances,", you are hereby notified that additional time is necessary to complete the investigation of your:

Step 1 Grievance: (check the applicable box)	
An additional 30 days is needed for appropriate resp	onse to your disciplinary appeal.
An additional 40 days is needed for appropriate resp	onse to your grievance.
An additional 45 days is needed for appropriate resp	onse to your medical Step 1 grievance.
Step 2 Grievance: (check the applicable box)	
An additional 30 days is needed for appropriate resp	onse to your disciplinary appeal.
An additional 35 days is needed for appropriate resp	oonse to your Step 2 grievance
An additional 45 days is needed for appropriate resp	oonse to your medical Step 2 grievance.
M. Lolley, Adm. Asst. IV. Name and Title	September 22, 2020 Date

Original - Send to the Offender Copy - Attach to the Grievance

# Case 5:20-cv-01149-DAE Document 94-3 Filed 03/31/22 Page 76 of 76 GRIEVANCE INVESTIGATION WORKSHEET

Restricted & (	Confidential							
GRIEVANC	E OFFICE USE						STEP 1	The second secon
ONLY	20 V MA 1927 E 1927						STEP 2	X
Unit: <u>CGO</u> Offender Name:	Investigator ID:	2704	Date II	nitiated: <u>9/22/20</u> Date TDCJ No: 700474	Complete Gr	ed: 11/12 rievance Nu		
Issue Code: 523	EMERGENCY YES () NO (X)	ADA Disciplinary Medical	( )	Property Religion OPI Investigation	()	PREA	ce (UOF) nt or Retaliation*	( )
Note: Offenders are		and the party of the contract	Provide a service of the service of	Grievence Procedure, Access to Courts, any time. For claims of sexual a	THE RESERVE OF THE PERSON NAMED IN	CONTRACTOR OF THE PARTY OF THE	val acra by made for	The second
UOF, the investigation	n must be conducted by the C	fice of Inspector Gene	ral (OIG) a	and the OIG Fact Sheet completed	d.	assaun, crimu	nai acis by siag, Excessi	ve or careportu
	ssue: (Include date, th							
		the state of the s		for no reason other			A CONTRACTOR OF THE PARTY OF TH	The second secon
				ing. Offender claims			ng punished for	the actions
of a few. Offe	ender claims they	were fed Johnn	ies and	treated like they we	re the pr	roblem.		
Requested Re	medy:							
To have the p	rocess of racking	up an entire bu	ilding	due to an isolated inc	ident in	vestigate	d and re-evalua	ted and
only punish th	nose that deserve i	instead of pur	ishing	everyone.				
			ial. Attac	h statements/supporting docum	entation, if	applicable.	- Alexandron Maria	
	act-Finding Activi	ty:						
1. Step I		A ARLA S						
		eal, Major, not	es that	I have no knowledge	of this	incident.	at the time. I wa	as assigned
to restricti	ve housing.							
	and the financial and the second seco		- A Market					
	ponse to Offender							
	ion has been condu aid date. No furthe			aint. Records indicat	e that th	ere is no	record of an in	cident in 4
OUTCOME O	CODE: D	RESOLUTION	COD	E: 2.01		1		No. Provide

This grievance is being processed in an effort to resolve a problem through the established procedures identified in BP-03.77 and AD-0382. It is expressly prohibited to subject the grievant, other affenders, or staff to any form of represal for the use of these procedures.

Signature:

Date:

**Exhibit 1** 

Printed Name:

Title:

Investigating official completes the section below:

M. Lolley

Central Grievance Analyst